

		Science, Education and Innovations in the Context of Modern Problems Issue 9, Vol. 8, 2025	
		Title of research article 	
		International mechanisms for the protection of industrial property rights	
Linda Rekik		Lecturer Class A, Multidisciplinary Research and Studies Laboratory in Law, Heritage and History, Faculty of Law and Political Science, University of Batna 1 Algeria E-mail: linda.rekik@univ-batna.dz	
Issue web link	https://imcra-az.org/archive/383-science-education-and-innovations-in-the-context-of-modern-problems-issue-9-vol-8-2025.html		
Keywords	Industrial property rights- International agreements- organizations- counterfeiting- piracy.		
Abstract Industrial property rights constitute a matter of global concern owing to their significance in fostering the development and prosperity of nations through the investment and circulation of intellectual property within global markets. They have emerged as a competitive advantage, assuming a pivotal role in augmenting national production and advancing technological progress across various sectors, manifested in the form of products, goods, and services. The elements of industrial property rights encompass rights associated with distinctive signs, such as trademarks and appellations of origin, as well as those pertaining to utilitarian innovations, including patents, industrial designs, and layout designs of integrated circuits. Amid the proliferation of counterfeiting and piracy affecting industrial property rights, the limitations of national legislation in curbing and combating such phenomena have become evident—particularly in the context of cultural exchange, liberalized trade among nations, and the attainment of unprecedented levels of technological and scientific advancement, all of which have adversely impacted industrial property rights. Consequently, it has become essential for international legislators to adopt a suite of legal mechanisms aimed at securing justice and fairness for rights holders, harmonizing and elevating protection standards for intellectual property, through international agreements and organizations dedicated to the safeguarding of industrial property rights, and fostering collaboration to establish a robust and enduring system of protection.			
Citation. Linda R. (2025). International mechanisms for the protection of industrial property rights. <i>Science, Education and Innovations in the Context of Modern Problems</i> , 8(9), 1197–1216. https://doi.org/10.56334/sei/8.9.99			
Licensed © 2025 The Author(s). Published by Science, Education and Innovations in the context of modern problems (SEI) by IMCRA - International Meetings and Journals Research Association (Azerbaijan). This is an open access article under the CC BY license (http://creativecommons.org/licenses/by/4.0/).			
Received: 12.04.2025		Accepted: 02.09.2025	
Published: 05.10.2025 (available online)			

Introduction:

Industrial property rights have garnered considerable attention among nations and societies, and are now acknowledged as privileges that encompass the moral rights of creators and innovators, necessitating vigilant care and legal protection against all forms of infringement and piracy. The fruits of human intellect—creations and inventions—have served humanity and propelled its advancement across diverse domains, with their instrumental role becoming evident in fostering an era of remarkable technological progress. This, in turn, has amplified the volume of national production and catalyzed advancement across all sectors, owing to the investment in these intellectual assets and their dissemination within global markets in the form of products, goods, and services. Therefore, it is **only just** to reward the creator and the inventor, and **only fair** to value their works and safeguard them against any unlawful infringement upon their rights, so that such protection may serve as an incentive for

creativity and innovation, the development of products, the encouragement of competition, and the dissemination of knowledge.

A legislative awakening focused on the safeguarding of industrial property rights emerged in the nineteenth century, with national laws initially tasked with the protection of these rights. The prevailing jurisprudential perspective asserts that the history of industrial property rights is rooted in the legal evolution that has accompanied their development, as the organization and protection of these rights are relatively recent. They first emerged in the late fourteenth century in Italy and were practically institutionalized in the seventeenth century in England. Subsequently, this issue gained international significance, necessitating the formulation of international agreements to ensure its protection in the eighteenth century.

In light of the aforementioned, the international community has taken a keen interest in regulating industrial property rights through the adoption of international agreements and treaties aimed at safeguarding and governing these rights, thereby preserving the entitlements of their rightful owners. This concern gained prominence particularly during the period of the Industrial Revolution in Europe, accompanied by a surge in violations and unlawful infringements upon these rights. This led to the initiative of adopting agreements to regulate industrial property rights and establish legal protections for innovators, as the issue evolved from a national matter to one of international significance. Industrialized nations succeeded in internationalizing the protection of intellectual property rights through the conclusion of two pivotal agreements, the Paris and TRIPS Conventions, in addition to specialized accords for the protection of each specific industrial property right. The emergence of international and regional organizations dedicated to the protection of industrial property rights has also been crucial, and will be the focus of our study in this research paper.

The discussion surrounding international sources for the protection of industrial property rights (IPRs) originated primarily from the interests of developed countries, particularly due to the rampant piracy and counterfeiting of protected products in the 1970s and 1980s within developing countries, notably in Southeast Asia. This widespread infringement significantly impacted the economic and commercial interests of the former, especially in the absence of effective legal protection for IPRs in many of these nations. Consequently, the quest for robust legal protection for IPRs at the national level led to conflicts between the legislation of these countries. As a result, it became imperative to establish an international legal framework aimed at safeguarding intellectual property rights and to adopt international bodies and mechanisms governing IPRs. These mechanisms serve to prevent infringements and piracy against rights holders, while simultaneously advancing the interests of developed countries. These nations, having reached remarkable levels of technological and industrial advancement, sought to assert control over the global economy, particularly with regard to emerging economies. This approach not only ensured their economic and commercial supremacy but also bolstered their political influence.

Based on the aforementioned, the focus of our study can be encapsulated in the following research question: **What are the international mechanisms implemented to safeguard industrial property rights?** To address this question, it is essential first to examine the various types of industrial property rights that are entitled to legal protection under international agreements, followed by an exploration of the international framework designed to protect these rights.

The significance of this study, along with the rationale for its selection, is rooted in the growing concern over the international protection of industrial property rights, an issue that has become particularly relevant for industrialized nations. The emergence of international intellectual property law discussions was triggered by the Industrial Revolution in Europe, where the rampant piracy and counterfeiting of products and innovations without the consent of the rightful owners posed a significant threat. The detrimental effects of these unlawful practices began to jeopardize the interests of industrialized nations, foreshadowing the rise of competitors from developing countries.

This study employs both a descriptive and analytical approach, aiming to clarify key concepts related to the components of industrial property and to highlight the most prominent international legal mechanisms dedicated to its protection. The study further explores these ideas with the goal of drawing scientific conclusions.

Thus, the research will endeavor to provide a detailed examination of the various elements of industrial property rights, scrutinize the international legal sources for their protection, and focus on the innovative solutions these frameworks have introduced, ensuring alignment with the advancements of the technological revolution.

First: Elements of Industrial Property Rights:

Industrial property rights have garnered significant attention from nations and peoples, with widespread recognition of these rights as moral entitlements belonging to creators and innovators, necessitating safeguarding and legal protection from all forms of encroachment and piracy. However, despite the existence of international agreements, treaties, and numerous national legislations, there remains an absence of a precise definition of industrial property. These frameworks typically suffice with referencing its various divisions and components.

The Industrial Revolution in Europe during the latter half of the nineteenth century played a pivotal role in the emergence of inventions, innovations, and advancements in the industrial and economic spheres, leaving a profound imprint on the twentieth century through its scientific and technological progress. This led to prosperity and development across various sectors and facilitated the rise of competitive economic and trade relations, driven by the growing movement of trade exchanges between nations and the flow of production which was accompanied by a high demand for products subject to industrial rights, such as trademarks, patents, industrial designs and models, formal designs of integrated circuits and designations of origin. Consequently, the protection of industrial property rights and the establishment of new legal frameworks to safeguard these rights became an unavoidable necessity¹ because these developments and progress were, on a large scale, accompanied by the proliferation of imitation and piracy industries. This included the replication and counterfeiting of globally recognized trademarks, the unraveling of patent secrets, and the discovery of methods to produce patented products, which were subsequently resold at reduced prices in international markets by South Asian countries. These practices effectively shortened the path to accessing products subject to industrial property rights through reverse engineering, imitation, and piracy, without contributing to the costs of scientific research and development. Such actions adversely affected the interests of rights holders and industrialized nations alike, prompting a clear recognition of the need to strengthen the protection of industrial property rights and eradicate these practices, particularly in the realm of global technology industries.²

For further elucidation and clarification, we shall examine the components of industrial property rights, focusing on those associated with distinctive signs and those pertaining to valuable innovations, as outlined below.

1- Industrial property rights on distinctive signs:

Humans have been acquainted with the use of distinctive signs since ancient times, particularly among the Romans. These signs were employed to differentiate the products of individual manufacturers by incorporating their names or the location where these goods and merchandise were produced. This served to distinguish them from similar goods, examine them, and identify their origin. The use of these distinctive signs subsequently expanded during the Middle Ages.

Distinctive signs constitute a crucial instrument for differentiating goods, merchandise, and services through marks affixed to them, facilitating the consumer's acquisition of the desired quality and type, identifying their source, and safeguarding against fraud and deception that may arise from the imitation of these rights. This prompted the producer, merchant, manufacturer, or service provider to elevate the standard of excellence in order to attract the largest number of consumers and secure their trust. Consequently, both national and international legislations have afforded considerable attention to this aspect of industrial property rights, encompassing trademarks and designations of origin, ensuring appropriate legal protection for their proprietors, monopolizing their use, and prohibiting others from utilizing them without the explicit authorization of their owner.

A- Trademarks:

Although the concept of a trademark has existed since ancient times, it continues to be the subject of investigation and analysis by legal scholars and experts in the economic and commercial domains. This is due to the challenges it presents in formulating a precise definition, considering that it, like all intellectual property rights, is an intangible

¹ Dawood bin Abdul Aziz Al-Dawood 'Conflict of Systems in Intellectual Property Rights: A Comparative Study 'First Edition 'Saudi Arabia; 2017.

² Salah Zein El-Din 'Explanation of Industrial and Commercial Legislation 'First Edition 'Jordan; 2007.

notion emanating from creative thought and reasoning. Moreover, a trademark applies to multiple categories of industrial, commercial, agricultural, and service products.³

A trademark is a crucial instrument for distinguishing goods, merchandise, and services through the use of distinctive marks placed upon them, playing a vital role in differentiating goods, merchandise, and services while identifying their source. This facilitates the consumer's acquisition of the desired quality and type, aids in recognizing its origin, and prevents fraud and deception that may arise from the imitation of trademarks. This necessity has prompted the producer, merchant, manufacturer, or service provider to enhance their level of expertise in order to attract the largest possible number of consumers and earn their trust. Consequently, both national and international legislation has bestowed significant attention upon trademarks, offering adequate legal protection for their owners, monopolizing their use, and prohibiting others from using them without the owner's authorization.

Some jurisprudence defines a trademark as: "A sign by which goods, commodities, and products are marked and distinguished from similar goods of another merchant or the products of other industrialists."⁴

Others define it as: "Any sign or indication placed by a merchant or manufacturer on the products he displays or places to distinguish these products from other similar goods."⁵

A trademark can be defined as any symbol capable of being represented in writing, such as names of individuals, letters, numbers, drawings, pictures, or images, distinctive shapes of goods or their packaging, in addition to colors. Some comparative legislation has also adopted certain distinctive phenomena of a trademark, such as the use of smell, sound, or natural phenomena such as the gurgling of water, as symbols to distinguish trademarks.

The objective conditions necessary for registering a trademark have been adopted by comparative legislation and are represented by the requirement of distinctive character, the requirement of novelty, and finally the requirement of legitimacy. The legislation also specified a set of formal conditions that must be met for registering a trademark, in addition to the aforementioned objective conditions, which specify the formalities for filing a trademark, the procedures for examining it, registering trademarks, and publishing them with the competent authority. The legislation also specified the procedures for filing and registering trademarks pursuant to regulations.

Registering a trademark results in acquiring ownership of it and concluding all legal transactions involving the trademark as an intangible movable property in itself. These transactions include the usual forms of disposal such as selling, mortgaging, assigning, and granting licenses to exploit it. Accordingly, registering a trademark entails the right to monopolize its use and exploitation on the goods, merchandise, and services he provides, and also establishes for its owner the right to dispose of it. Therefore, the right of monopolization is an exclusive right granted to the trademark owner throughout the territory of the country in which he registered his trademark. It means the right to monopolize it and prevent others from exploiting it without his license.⁶ By contrast, the right of monopolization established for the owner of a registered trademark is a relative right in terms of location, as the legal protection provided for it does not extend outside the territory of the country granting the trademark unless the latter is registered in accordance with international treaties regulating the international protection of trademarks or the trademark is particularly well-known.⁷ The lapse of the right to a trademark is evident through the expiration of the right to the trademark, which is usually caused by the will of its owner, as he may abandon it or stop using it, and its expiration may also be due to other reasons beyond the control of the latter.⁸

B- Appellations of Origin:

³ Amer Mahmoud Al-Kaswani 'The Law Applicable to Intellectual Property Issues "A Comparative Study" 'First Edition 'Egypt; 2011.

⁴ Osama Nael Al-Muhaisen 'A Concise Guide to Intellectual Property Rights 'first edition 'Jordan; 2011.

⁵ Naseem Khaled Al-Shawarah 'Trademarks and Their Protection from Unfair Competition (A Comparative Study) 'Jordan; 2017.

⁶ Ajja Al-Jilali 'Trademarks, Their Characteristics and Protection, A Comparative Study of the Legislation of Algeria, Tunisia, Morocco, Egypt, Jordan, French and American Legislation, and International Agreements 'Lebanon; 2015.

⁷ Bouqnija 'The Legal System of Trademarks 'lectures given to students of the Higher School of the Judiciary 'place and date unknown 'country unspecified; 2012.

⁸ Farha 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

Appellations of origin have become a subject of global debate due to their significance to national income and their potential as a competitive advantage for any region or country. Their importance has heightened due to the intensification of competition for products unique to certain geographic regions, which have gained global recognition and attract the attention of consumers. This is particularly true given that appellations of origin serve to establish quality standards and harness the natural and human factors that distinguish these products from others. This has led countries to seek legal protection for this type of industrial property rights.

The world is witnessing widespread interest in appellations of origin due to the prominent role they play in identifying and distinguishing products and linking them to the geographic environment in which they originated. Jurisprudence has provided various definitions of appellations of origin, with some defining them as: "Names related to products with characteristics originating in the geographic location that allows their production."

Another aspect defines designations of origin as: "A guarantee of the quality of the product offered to the consumer, given that it contains certain characteristics not found in similar products."⁹

The importance of designations of origin lies in granting the named product national and local fame, which the producer uses to identify its product and distinguish it from similar products. Its importance is particularly evident in ensuring the quality and type of product that possesses distinct qualities and characteristics from those of similar products. Designations of origin also play a role in attracting customers, as they encompass the distinctive characteristics of the product to which the designation is attributed, as it encompasses unique qualities that are linked to various natural and human factors.¹⁰ Since ancient civilizations, humans have described their products, especially in the field of agriculture, based on their place of production or preparation. Designations of origin were initially used to distinguish wine production, which gained widespread fame due to its distinctive qualities, especially since it was a source of great wealth.

The importance of appellations of origin is evident to consumers as a guarantee of quality, given their distinctive characteristics and quality, which reassures consumers that these products possess features not found in similar products.¹¹

From a social perspective, appellations of origin play an important role in the social development of the regions they concern. They play a significant role in stabilizing the population of that region, particularly in remote and marginalized areas, by providing economic activities that guarantee a respectable income for their residents.¹²

Like other industrial property rights, the protection of appellations of origin requires a set of objective conditions: the appellation must be associated with a geographical name, designate products, and produce products with characteristics attributed to natural or human factors. Furthermore, the appellation must not be prohibited or contrary to public order and morals. A set of procedures has also been identified for filing, registering, and publishing appellations of origin with the competent authority, and the related fees are determined.

It is worth noting that the collective nature of appellations of origin allows us to say that the right to the appellation is not exclusively granted to the first person who filed an application to register the appellation, unlike the situation with other industrial property rights, where priority of filing has been excluded to enable all producers whose products have distinctive specifications and high quality and are located in the same geographical location to request the benefit of the same appellation, which enjoys the stipulated legal conditions.

The wisdom behind this lies in the fact that the appellation of origin, by its nature, requires collective exploitation. Therefore, it is illogical to grant a property right that results in the monopoly of a geographical area characterized by special products resulting from environmental, natural or human conditions.¹³ On this basis, the legislator avoided calling the owners of the appellation of origin its owners and was satisfied with using the term "exploiters of the appellation." Accordingly, the owner of the registration certificate who has fulfilled the objective conditions

⁹ Ajja Al-Jilali: Trademark Characteristics and Protection, op. cit., p. 239.

¹⁰ Nasreen Chergui: Intellectual Property Rights "Copyright and Related Rights Industrial Property Rights", Dar Belqis Publishing, Algeria, 2017, p. 126.

¹¹ Aziza Bushra, Hanan Manasriya: Designations 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: Unfair Competition Acts Affecting Designations of Origin, Journal of Al-Mofakir, Issue Twelve, 2015, p. 430.

¹³ Ajja Al-Jilali: Trademark Characteristics and Protection, op. cit., p. 267.

for requesting protection and completed the legally required formal procedures acquires a set of rights that are established for him. It should be noted that this does not mean that exploiting the appellation of origin under the registration certificate is a purely monopolistic right that prevents others from exploiting the same appellation. However, every producer who practices his activity in the same geographical area and whose product is characterized by the same quality and features can submit an application to use the same appellation. This is due to the fact that the appellation of origin has a collective nature in all cases, as previously indicated. By implication, his application is rejected if he practices his activity in a geographical area different from the intended area or his products are of lower quality and lack the features specified in the implementing texts.¹⁴

2- Industrial Property Rights on Utility Innovations:

Industrial property rights on utility innovations are among the most crucial instruments contributing to the development and progress of nations seeking resolute solutions in various fields, while continuously fostering the emergence of new products and modern production methods that serve human life and aid in achieving prosperity for individuals.

This issue is one of the most significant matters attracting global attention in light of the remarkable developments occurring in the realms of science and innovation, given their decisive role in stimulating growth, attaining economic development, and realizing cultural and social prosperity. The interest in these rights has intensified with the rising demand for innovations and the emergence of economic relations and trade exchanges between nations. This has rendered it a matter of legal regulation and the extension of legal protection to their proprietors to ensure a conducive environment for creative and innovative activities. This is attributed to their direct correlation with economic development and their influential role in transferring technology and scientific and technical progress in ways that benefit society, while simultaneously safeguarding the rights of creators against all forms of infringement and securing a document certifying the legal recognition of their material and moral rights to such innovations. This section encompasses industrial designs and models, patents, and layout designs of integrated circuits.

A- Industrial Designs and Models:

Humankind has channeled its creative efforts into the development of industrial designs and models, conveying them through lines, colors, and shapes that distinguish the external appearance of products. These designs are marked by their technical and material nature, a common denominator shared with patents. This has led certain legislations to safeguard them through the patent system, while the majority of legislation has opted to offer protection under a distinct legal framework.¹⁵

Industrial designs and models are regarded as industrial property rights that integrate utilitarian, artistic, and aesthetic elements. They play a vital role in distinguishing the external appearance of products, which significantly influences consumer attraction. These designs and models enhance the beauty and elegance of products, improving their outward appearance, despite their resemblance to others in terms of quality, raw materials utilized in their manufacture, and even in terms of price, to the extent that they captivate the greatest number of consumers. This has driven business owners to invest considerable effort and capital in crafting appealing and impactful industrial designs and models.¹⁶

Industrial designs and models were among the earliest forms of industrial property rights to emerge and establish an autonomous legal framework in the final quarter of the eighteenth century, having, at various historical junctures, fluctuated between patent protection and copyright as artistic creations.¹⁷ On this premise, industrial designs and models became increasingly susceptible to piracy and counterfeiting, as their scope extends beyond a specific domain of industrial and commercial property to encompass the realm of literary and artistic property.

¹⁴ Farha Zarawi Saleh: op. cit., pp. 384-385.

¹⁵ Aja Al-Jilali: Industrial Designs and Models: Their Characteristics and Protection: A Comparative Study of the Legislation of Algeria, Tunisia, Morocco, Egypt, Jordan, and French and American Legislation and International Agreements, Encyclopedia of Industrial Property Rights, Part Three, Zain Legal Publications, Lebanon, 2015, p. 7.

¹⁶ Abdel Fattah Bayoumi Hijazi: Industrial Property in Comparative Law, Dar Al-Fikr Al-Jami'i, Egypt, First Edition, 2008, p. 468.

¹⁷ Aja Jilali: Industrial Designs and Models: Their Characteristics and Protection, op. cit., p. 13.

This duality positioned them at the confluence of industrial property and copyright, rendering it challenging to determine a precise and conclusive framework for their protection.¹⁸

This impacted the international protection of industrial designs, which were not the subject of consensus among the conventions governing intellectual property rights. Article 21 of the Hague Convention Concerning the International Deposit of Industrial Designs, concluded on November 6, 1925, provided that the application of the Convention's provisions does not preclude the application of the Berne Convention, which expressly permitted the protection of designs under copyright law. The protection of industrial designs was not confined to a dedicated statute under the Paris Convention. The TRIPS Agreement, in turn, granted member states the discretion to adopt the legal framework they deemed most appropriate for the protection of industrial designs, whether through legislation specifically regulating industrial designs or through a statute governing copyright.¹⁹

Some jurisprudence defines industrial drawings and models as follows: "An industrial drawing is the configuration of lines or colors upon the surface of a material object, imparting to it a distinctive character, brilliance, and aesthetic appeal that sets it apart from other objects. The drawing may be executed manually, mechanically, or by means of rays such as laser beams. As for the industrial model, it constitutes a representation of the original mold of an industrial, traditional, or artisanal product."²⁰

It is likewise defined as: "A composition of shapes and colors possessing a distinct artistic character, applied to goods and products during their manufacture to enhance their aesthetic appeal, thereby enticing consumers to favor them over analogous items owing to the embellishments they bear or the patterns with which they are adorned."²¹

The significance of industrial designs and models emanates from the dual function they fulfill. On one hand, they constitute ornamental creations that embody the ingenuity and originality of their creators. On the other, they serve a utilitarian purpose by captivating consumers through the decorative dimension they confer upon products.

From an economic vantage point, industrial designs and models further bolster and sustain innovation within the domains of traditional industries, fine arts, and artisanal crafts. They operate as a potent instrument in the promotion of small and medium-sized enterprises that depend upon these rights.²² They distinguish products from others through the distinctive shapes or designs affixed thereto. For instance, the body of a Renault vehicle is readily distinguishable from that of a Ford, and the same distinction applies to the engravings, designs, and motifs found in traditional products.²³

The significance of industrial designs and models likewise resides in the considerable practical advantage they confer within the competitive sphere. This has engendered an ever-escalating rivalry among merchants and manufacturers to secure novel designs and models that captivate consumers and garner widespread favor. Such competition endeavors to attract the maximum number of consumers by virtue of the designs²⁴ alluring and compelling aesthetic, thereby enhancing their commercial value and expanding their market prospects, while ensuring equitable remuneration for their proprietors.²⁵

Industrial designs and models depend fundamentally upon their external configuration to captivate consumer interest. Their protection necessitates the fulfillment of objective criteria, notably the creation of an innovative external form for an industrial article. The criterion of innovation is evaluated by the psychological impression it engenders in consumers, whose attraction evidences the originality and distinction of the creator. The design or model must be novel and devoid of prior creation. Moreover, it must be amenable to industrial application and must attain industrial character through its suitability for immediate use in the manufacturing process.

¹⁸ Farha Zarawi Saleh: The previous reference, pp. 287-288.

¹⁹ Bouamra Assia: Industrial Designs and Models: What Protection?, Sawt Al-Qanoon Magazine, Volume 5, Issue 2, October 2018.

²⁰ Aja Jalali: Industrial Designs and Models: Their Characteristics and Protection, op. cit., p. 24.

²¹ Salah Zein El-Din: Industrial and Commercial Property - Patents - Industrial Designs - Industrial Models - Trademarks - Commercial Data, Dar Al-Thaqafa for Publishing and Distribution, Jordan, Second Edition, 2001, p. 208.

²² Aja Al-Jalali: Industrial drawings and models, their characteristics and protection, previous reference, pp. 26-27.

²³ Samir Hussein Jamil Al-Fatlawi: Industrial Property According to Algerian Laws, Office of University Publications, Algeria; 1984.

²⁴ Salah Zein El-Din: The previous reference; p. 209.

²⁵ Aja Al-Jalali: Industrial drawings and models, their characteristics and protection, the same reference; p. 26.

The registration of industrial designs and models likewise necessitates the completion of a series of legal formalities, which must be fulfilled subsequent to the satisfaction of the aforementioned objective conditions, in order for the proprietor of the industrial design or model to enjoy the rights conferred upon him by virtue of registering his creation with the competent authority. This registration affirms that the initial depositor of the design or model becomes its lawful owner and thereby acquires the exclusive right to monopolize its exploitation under the conditions prescribed. Accordingly, his entitlement to utilize his design or model personally, or to grant others a license to exploit it, is firmly established. The proprietor of the industrial design or model exercises his prerogative to dispose of his creation without hindrance or interference from others, and in an exclusive capacity, possessing the right to engage in all legitimate legal transactions enabling him to sell, lease, mortgage, assign, or license the exploitation of his design or model.

B- Patents

Patents rank among the foremost industrial property rights and constitute one of the principal subjects commanding global attention amidst the profound advancements in science and innovation. They fulfill a pivotal function in stimulating growth, fostering economic development, and promoting cultural and social prosperity. Consequently, patents have emerged as a distinctive emblem of progress and a barometer of a nation's advancement. This reality has rendered the legal protection of inventions an imperative of international concern—endorsed by domestic legislation and enshrined in international conventions governing the rights of inventors—in response to the persistent threats of infringement and flagrant imitation that jeopardize these rights and suppress creativity and intellectual output. The heightened interest in patents has paralleled the escalating demand for inventions and the proliferation of economic relations and trade exchanges among nations. This has rendered the legal regulation of patents and the extension of protection to their proprietors indispensable to cultivating an environment conducive to innovation and inventiveness. This imperative arises from their intrinsic link to economic progress and their instrumental role in the transfer of technology and the advancement of scientific and technical knowledge, all in a manner that serves the public good. Simultaneously, patents safeguard the rights of inventors from all forms of encroachment and provide formal recognition of their material and moral entitlement to their invention.

Inventions constitute among the most consequential instruments that propel the advancement and progress of nations in pursuit of resolute solutions across diverse domains, and that incessantly foster the emergence of novel products and contemporary production methods that enhance human life and contribute to the attainment of collective prosperity.

A patent is deemed a formal recognition by states that grant patent certificates of the intellectual exertion, time, and financial resources invested by the inventor in conceiving innovations vital to humanity—facilitating daily life across multiple sectors. Simultaneously, the patent has evolved into a requisite for every inventor and the incentive he aspires to, enabling him to exclusively monopolize and exploit his invention within parameters that safeguard and preserve his rights against infringement, imitation, and piracy. Accordingly, a patent is defined as: “The certificate or document that elucidates and delineates the invention, articulates its specifications, and confers upon its holder the exclusive right of exploitation and the protection enshrined by law.”

Some define a patent as: "A public utility contract between the inventor and the administration, in which the state provides exclusive protection for the invention in exchange for satisfying a public utility need."²⁶

In light of the foregoing, the grant of a patent and the enjoyment of legal protection necessitate the fulfillment of essential prerequisites pertaining to the invention itself—referred to as substantive or fundamental conditions—namely, novelty, inventive step, and industrial applicability. Complementary conditions concerning the submission of a patent application—designated as formal conditions—relate to the requisite administrative procedures and steps to be undertaken in anticipation of securing a patent, which is regarded as the birth certificate of the invention, its formal attribution to its creator, and the protective instrument authorizing the inventor to exploit, transfer, and derive pecuniary benefit from the invention for a delineated period.²⁷ A series of significant legal consequences and ramifications subsequently ensue, including the establishment of the right of priority, the right of exploitation, and

²⁶ Imad Hamad Muhammad Ibrahim: Civil Protection of Patents and Trade Secrets, Library of Economics and Law, Saudi Arabia, First Edition, 2016, p. 29.

²⁷ Amer Mahmoud Al-Kaswani: The previous reference, p. 201.

the right to determine the duration and scope of legal protection. Accordingly, the patent remains contingent upon the satisfaction of both the formal and substantive conditions governing the invention.

A patent constitutes a title to the invention, bestowing its owner with direct authority over it, thereby enabling them to enjoy exclusive rights. On a further level, a patent affords legal protection to its holder, safeguarding them against any infringement of the invention. The acquisition of a patent confers upon the inventor a set of exclusive rights, encompassing the inventor's monopoly and exclusive entitlement to utilize and exploit the invention in any manner they deem fitting, while prohibiting others from utilizing it without their consent. The patent further entitles the owner to dispose of the patent through all legal means, such as mortgaging, selling, and granting licenses for the exploitation of the patent.

C- Layout Designs of Integrated Circuits:

Integrated circuit layout designs constitute one of the most seminal innovations of the twentieth century, having contributed profoundly to technological advancement and become deeply embedded within the global technological fabric.²⁸ They are employed across a wide spectrum of electronic and industrial domains, such as micro-batteries or closed electrical circuits,²⁹ which consolidate a multitude of electrical functions into an exceedingly precise component in a specific and defined configuration.³⁰

Integrated circuit layout designs fulfill a pivotal role in propelling economic ventures tied to the electronics industry, representing a paramount achievement of the modern digital revolution and a testament to the realization of technical and technological progress across diverse spheres of life. Nevertheless, integrated circuit layout designs possess an inherently distinctive nature, rendering the classification of this right particularly challenging. This right diverges from conventional intellectual property rights, as it embodies elements of both copyright and patent protection, thereby complicating the formulation of an autonomous legal framework governing its protection.

Although the graphic designs of integrated circuits necessitate considerable intellectual and financial exertion, they remain susceptible to imitation and piracy, as they are essentially programs that organize and store information.³¹ This vulnerability has necessitated the promulgation of legislation to safeguard the rights of their creators and to regulate the protection of designs associated with electronics, in light of the increasing economic prominence these designs have attained within the gross domestic product of nations. Owing to this technological evolution, humanity has transitioned from the industrial revolution to the digital revolution.³²

The layout designs of integrated circuits are, therefore, regarded as emblematic manifestations of the digital and technological revolution. They emerged in their electronic form with the advent of the transistor and the computer, culminating in the development of the silicon chip, which played a pivotal role in transforming information and communications technology.³³

These designs have been referred to by various appellations, including semiconductor chips, electronic chips, among others. The United States was the first to institute legal protection for these rights,³⁴ followed by Japan, which enacted a specific law akin to that of the United States on May 31, 1985. The European Union followed suit in 1986. It is noteworthy that Arab legislation lacked provisions safeguarding layout designs, remaining detached from the codification of this category of industrial property rights until the advent of the new millennium. This led to the establishment of a distinct legal framework following adherence to the TRIPS Agreement.³⁵

²⁸ Boubaker Nabia: The Concept of Layout Designs of Integrated Circuits According to Algerian Legislation, *Al-Manar Journal of Legal and Political Research and Studies*, Issue 4, 2018, p. 161.

²⁹ Nasreen Sharqi, the previous reference, p. 101.

³⁰ Nasser Moussa, Criminal Protection of Layouts of Integrated Circuits in Algerian Legislation, *Journal of Research in Law and Political Science*, Volume 8, Issue 1, 2022, p. 318.

³¹ Boubaker Nabih, *The Concept of Layout Designs of Integrated Circuits According to Algerian Legislation*, *Al-Manar Journal of Legal and Political Research and Studies*, Issue 4, 2018, p. 161.

³² Ajja Al-Jalali, Industrial Drawings and Models, Their Characteristics and Protection, previous reference, p. 113.

³³ Ajja Al-Jalali, Industrial Drawings and Models, Their Characteristics and Protection, previous reference, p. 113.

³⁴ Nasreen Sharqi, the previous reference, p. 101.

³⁵ Boubaker Nabih, the previous reference, p. 161.

The layout designs of integrated circuits have been defined as: "A topography that constitutes nothing more than a design comprising a set of integrated circuits within the confined space allocated to the semiconductor containing said integrated circuits."³⁶

Integrated circuit layouts have likewise been defined as: "The integration of a multitude of electrical functions in a specific configuration into a compact component, intended to perform an electronic function. These circuits are employed in the manufacture of watches and household appliances."³⁷

Certain scholars have characterized an integrated circuit as: "An electronic unit comprising multiple components interconnected to execute a defined operation, as exemplified by a loudspeaker circuit, which performs the specific function of amplifying sound."

A schematic design, also referred to as a topographical drawing, has been defined as: "The positioning of each component within an integrated circuit on the insulating surface upon which it is affixed."³⁸

In order to safeguard the layout designs of integrated circuits, comparative legislation prescribes a set of substantive conditions, namely that the design must be original and innovative; that it must be novel, signifying that the design must not be commonplace or previously known to professionals in the field of integrated circuit layout design; and that the drawing or model must be susceptible to industrial application, meaning that the layout design must be applicable to industrial products in a manner that distinguishes them from other products available on the market. The formal prerequisites for the protection of layout designs of integrated circuits have likewise been delineated through the specification of procedures for filing, registration, and publication of these designs under the relevant legal provisions.

Finally, registering the layout design of an integrated circuit entails a number of rights for the design owner, including the right to exploit it personally or to transfer it to others, in whole or in part, as well as the right to dispose it by assigning it, mortgaging it, and concluding licensing contracts.

Axis Two: The International Framework Regulating Industrial Property Rights:

Industrialized countries have undertaken substantial efforts to safeguard industrial property rights when the legal rules and provisions recognizing and protecting the rights of these holders at the national level were deemed inadequate. They have not been content with the level of protection afforded, particularly in light of the technological revolution and scientific advancement that have given rise to new categories of rights. Rather, they have endeavored to reinforce legal protection, standardize procedural rules, and establish appropriate mechanisms to secure the rights of their holders and affirm their intellectual property by formulating international agreements and founding organizations that enshrine effective legal protection for industrial property rights.

Industrialized nations have concluded comprehensive agreements aimed at protecting all components of industrial property rights. The Paris Convention is regarded as the constitution and cornerstone of the international framework for the protection of intellectual property rights, whereas the TRIPS Agreement is recognized as the most significant and contemporary international accord concerning the protection of industrial property rights. Moreover, the international community has ratified specialized agreements to safeguard each of the industrial property rights. The international legislature, in turn, has instituted mechanisms for the protection of industrial property rights by establishing bodies and institutions dedicated to the preservation of these rights and the protection of the entitlements conferred upon their holders through the international organizations governing these rights.

First: Comprehensive International Agreements for the Protection of Industrial Property Rights:

International efforts to establish legal protection for intellectual property rights have intensified, and initiatives have been undertaken to globalize and reinforce such protection in light of economic advancement and trade competition among nations, particularly following the achievement of significant technological and industrial

³⁶ Boubaker Nabih, the same reference, p. 164.

³⁷ Nasser Moussa, the previous reference, p. 322.

³⁸ Salwa Gamil Ahmed Hassan: Criminal Protection of Intellectual Property, Center for Arab and Legal Studies, Egypt, First Edition, 2016, pp. 323-324.

progress by certain countries—such as Japan—through reliance on the inventions and innovations of developed nations by means of reverse engineering of their products and patents. These endeavors have sought to place countries within a framework of binding legal rules through the Paris Convention and the TRIPS Agreement. It is noteworthy that the latter's role is not confined to safeguarding rights holders and their successors, but rather aspires to protect society as a whole from a cultural, scientific, and artistic standpoint, as society is fundamentally constituted by its cultural heritage, which is nourished by the intellectual creations of scientists and inventors.

1-ParisConvention:

The Paris Convention for the Protection of Industrial Property Rights, also referred to as the Paris Union, was concluded on March 23, 1883, with the participation of eleven countries, and entered into force on June 7, 1884. This agreement encompasses industrial property in its broadest scope, including patents, industrial designs, trademarks, and the regulation of unfair competition claims. The Paris Convention serves as the international umbrella for the protection of these rights. The agreement was supplemented by an interpretative protocol in Madrid in 1891 and underwent revisions in Brussels in 1900, Washington in 1911, The Hague in 1925, London in 1934, Lisbon in 1958, and Stockholm in 1968. The agreement was last amended on July 14, 1967, in Stockholm.³⁹

The agreement contains binding provisions for member states of the Union to align their domestic legislation with the treaty. It is founded upon three core principles: national treatment, priority rights, and general rules. In accordance with the provisions on national treatment and the principle of equality, each Contracting State is required to extend to nationals of other Contracting States the same protection it affords to its own nationals in the realm of industrial property. The Agreement establishes the right of priority concerning patents (and utility models, where applicable), trademarks, and industrial designs. Accordingly, an applicant who files the initial legal application in one of the Contracting States may benefit from a designated period (12 months for patents and utility models, and 6 months for industrial designs and models) to seek protection in any other Contracting State. The Agreement further provides for certain general rules that all Contracting States are obliged to observe in order to mitigate fundamental disparities within the domestic legislation of the Union's Member States. Among the most significant are the principle of patent independence, compulsory licenses, the inviolability of the rights of the patent holder in international means of transport, and the sanctity of the Contracting State's right to conclude special agreements. Additionally, the Agreement mandates the provision of temporary protection for procedures conducted at international exhibitions.

3- TRIPS Agreement:

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is regarded as the most significant advancement in the international governance of intellectual property rights protection. Its foundation was established at the behest of developed nations, particularly in response to the proliferation of piracy and counterfeiting industries during the 1970s and 1980s in developing countries, most notably in Southeast Asia. These countries engaged in the imitation and replication of products originating from developed states, thereby impacting the interests of the latter—especially in light of the absence of effective legal protection for intellectual property rights across many of these jurisdictions. Moreover, the safeguards afforded by existing agreements regulating intellectual property rights proved inadequate in ensuring even a minimal level of protection.⁴⁰ The agreement was signed in March 1994 in Marrakesh, Morocco. It comprises 73 articles distributed across seven principal sections, which encompass general provisions, foundational principles, and standards pertaining to the assurance of intellectual property rights and their scope, as well as the modalities for enforcing industrial property rights—be it through general obligations, civil, administrative, or fiscal procedures, or through provisional or border measures.

The agreement embodies a set of essential principles concerning intellectual property rights. It reinforces the principle of national treatment, as stipulated in preceding agreements, which enshrines a degree of parity between citizens of a member state and those of other member states. This parity extends to the scope, duration, and criteria for determining protection and beneficiaries.

³⁹ Salah Zein El-Din: Introduction to Intellectual Property, its Origins, Concept, Scope, Adaptation, Regulation and Protection, Dar Al-Thaqafa for Publishing and Distribution, Jordan, First Edition, Third Issue, 2006, p. 133.

⁴⁰ Muhammad Mahmoud Al-Kamali: The Mechanism for the Protection of Intellectual Property Rights, a presentation at the Conference on the Legal and Economic Aspects of the World Trade Organization Agreements, Volume Two, First Edition, 2004, pp. 255 and following.

Furthermore, the TRIPS Agreement introduces the most-favored-nation principle as a novel tenet in the field of intellectual property. TRIPS is the first agreement to formally recognize this principle, thereby granting it enhanced significance and efficacy at the international level, in contrast to previous agreements. This principle serves as a vital mechanism in bolstering the national treatment principle, functioning as both essential and complementary. Consequently, any advantage, preference, privilege, or immunity conferred by a member state upon the nationals of any other country must be extended immediately and unconditionally to the nationals of all other member states—excluding those privileges or immunities derived from international agreements related to judicial assistance or the enforcement of laws of a general nature not specifically confined to the protection of intellectual property.

The agreement established the principle of minimum protection, compelling member states to adhere to the minimum requirements outlined therein and prohibiting any deviation or violation of these stipulations. As a result, each member state is bound to provide citizens of other member states with legal protection no less than that which it affords its own nationals, in accordance with its domestic laws. However, it is important to note that the enforcement of the minimum protection principle may, at times, prove ineffective in safeguarding intellectual property rights when a nation's domestic legislation fails to meet the minimum standards set forth by the TRIPS Agreement.

The TRIPS Agreement is regarded as a groundbreaking development in the realm of industrial property dispute resolution, with a clear intent to address the shortcomings of the dispute settlement system under the GATT 1947 Agreement. The agreement's structure incorporates a dispute settlement mechanism designed to resolve conflicts that may arise between member states during the enforcement of intellectual property rights, under the auspices of preventing and settling disputes. In doing so, it completes the cycle of rigorous legal protection for industrial property rights, issuing punitive decisions against infringers and closing off any opportunities for delay or extension of the dispute. This is considered a triumph for industrial property rights holders, providing an adequate safeguard to deter any infringement upon their rights. Consequently, member states are obligated to publish laws, judicial regulations, and final administrative decisions, ensuring these are not misused, while notifying the Council for Trade-Related Aspects of Intellectual Property Rights.⁴¹

Second: Specialized International Agreements on Intellectual Property Rights

The international legislature has adopted specialized agreements in the realm of patents and trademarks, as well as in the domains of industrial models, layout designs of integrated circuits, and appellations of origin. These include the following:

1- In the field of patents:

A- Strasbourg Agreement Concerning the International Patent Classification:

The Strasbourg Agreement, commonly referred to as the International Patent Classification (IPC), was signed on March 24, 1971, and amended in 1979. It categorizes technology into eight primary classes, encompassing approximately 80,000 subclasses. Each subclass is assigned a code composed of Arabic numerals and Latin letters.

Classification is an essential procedure for locating patent documents when conducting a search for "prior art." This search is carried out by patent-issuing authorities, inventors, research and development departments, and anyone interested in applying or advancing technology.

In response to emerging issues, the IPC is continuously revised, with a new edition taking effect on January 1 of each year. A committee of experts, established under the agreement, is responsible for overseeing the revision of the IPC. All States Parties to the Agreement are members of the Committee of Experts.⁴²

B- Budapest Agreement on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Filing

⁴¹ The same reference, pp. 58-59.

⁴² Strasbourg Convention Concerning the International Patent Classification, available at: https://www.wipo.int/treaties/ar/classification/strasbourg/summary_strasbourg.html, accessed on: 02/25/2025.

The Budapest Treaty was concluded in 1977. One of its most significant provisions is that a Contracting State that permits or requires the deposit of microorganisms for patent procedures must acknowledge, for the same purposes, the deposit of a microorganism with any "international depositary authority," regardless of whether such an authority is located within or outside the territory of the said State.

The Treaty promotes the use of the patent system in a Contracting State, as it offers notable advantages to the applicant seeking patents in multiple Contracting States. Depositing a microorganism in accordance with the procedures outlined in the Treaty alleviates certain costs for the applicant and provides substantial security.

To avoid the need for deposits in every country where protection is sought, the Treaty specifies that depositing microorganisms with any "international depositary authority" is sufficient for patent procedures before the national patent offices of all Contracting States, as well as with any regional patent office (provided the regional office acknowledges the effects of the Treaty). This has been affirmed by the European Patent Office (EPO), the Eurasian Patent Organization (EAPO), the African Intellectual Property Organization (OAPI), and the African Regional Intellectual Property Organization (ARIPO).⁴³

C- International Patent Cooperation Treaty:

The Patent Cooperation Treaty (PCT) was concluded on June 19, 1970, and subsequently amended on September 28, 1979, and February 3, 1984. The Patent Cooperation Treaty (PCT) offers the opportunity to seek patent protection for an invention in multiple countries simultaneously by filing an "international" patent application. Nationals and residents of any Contracting State may submit such an application either to the national patent office of that State or to the International Bureau of WIPO in Geneva, at the applicant's discretion.

The PCT enables the pursuit of patent protection for an invention across more than 150 countries by filing an "international" patent application. Any individual residing in or holding nationality from a Contracting State to the PCT may file such an application. It may generally be submitted to the national patent office of the Contracting State where the applicant holds nationality or residency, or to the International Bureau of WIPO.

The Treaty comprehensively outlines the formal requirements that must be met in international applications. The legal effect of filing an international application mirrors that of filing a national application with the national patent office of each Contracting State under the Patent Cooperation Treaty. Additionally, the agreement streamlines the process of fulfilling various formal requirements, defers significant costs associated with international patent protection, and provides a robust foundation for patent grant decisions.⁴⁴

2- In the field of trademarks:

A- The Madrid Agreement Concerning the International Registration of Marks and its Protocol (the Madrid Protocol):

The Madrid System for the International Registration of Marks is founded upon two key treaties: the Madrid Agreement, established in 1891 and revised in Brussels in 1900, Washington in 1911, The Hague in 1925, London in 1934, Nice in 1957, and Stockholm in 1967, with an amendment in 1979; and the Protocol Relating to the Madrid Agreement, finalized in 1989, designed to render the Madrid System more adaptable and in harmony with the domestic laws of certain countries or intergovernmental organizations that were previously unable to accede to the Agreement.

The Madrid System provides numerous benefits to trademark owners. Rather than submitting multiple national applications in each relevant country—each requiring distinct languages, adhering to different national and regional procedural regulations, and incurring various often substantial fees—the Madrid System facilitates the process by centralizing it. To support users, the International Bureau publishes a Guide to the International Registration of Marks under both the Madrid Agreement and the Madrid Protocol.

⁴³ Budapest Agreement Concerning the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Filing, available at: https://www.wipo.int/treaties/ar/registration/budapest/summary_budapest.html, accessed on: 25/02/2025.

⁴⁴ International Patent Cooperation Treaty, available at: https://www.wipo.int/treaties/ar/registration/pct/summary_pct.html, accessed on: 02/25/2025.

Both the Madrid Agreement and the Protocol are accessible to all States parties to the Paris Convention for the Protection of Industrial Property (1883). The two treaties are independent yet complementary, and States may be bound by one or both of them.⁴⁵

B- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union):

The Nice Agreement, concluded in Nice in 1957, revised in Stockholm in 1967 and in Geneva in 1977, and amended in 1979, established a classification of goods and services for the purposes of registering trademarks and service marks (the Nice Classification). The competent offices of the Contracting States must indicate in official publications and documents accompanying each registration the numbers of the classes of the Classification to which the goods and services for which the mark is registered pertain.

The Nice Agreement established as a Union. The Union is endowed with an Assembly. Every member state of the Union that has acceded to the Stockholm or Geneva Acts of the Nice Agreement is a member of the Assembly. One of the most salient functions of the Assembly is the adoption of the Union's biennial program and budget. The Agreement also instituted a Committee of Experts comprising representatives of all member states of the Union. Its principal task is to regularly revise the Classification. The Agreement is open to states party to the Paris Convention for the Protection of Intellectual Property (1883). Instruments of ratification or accession are to be deposited with the Director General of WIPO.⁴⁶

C- Vienna Agreement Establishing an International Classification of the Distinctive Elements of Marks (Vienna Union)

The Vienna Agreement, concluded in Vienna in 1973 and amended in 1985, established a classification (the Vienna Classification) for marks consisting of or containing figurative elements. The competent offices of the Contracting States must indicate in the official publications and documents accompanying each registration the numbers of the classes of the Classification and the parts and sections to which the figurative elements of the registered mark pertain.

The Vienna Agreement established a Union. The Union is endowed with an Assembly. Every State member of the Union is a member of the Assembly. One of the most salient functions of the Assembly is the adoption of the Union's biennial program and budget. The Agreement also instituted a Committee of Experts comprising representatives of all States member of the Union. Its principal task is to regularly revise the Classification. The Agreement is open to States party to the Paris Convention for the Protection of Intellectual Property (1883). Instruments of ratification or accession are to be deposited with the Director General of WIPO.⁴⁷

D-Trademark Law Treaty:

The Trademark Law Treaty (TLT), concluded in 1994, is accessible to WIPO member states and certain intergovernmental organizations. The objective of the TLT is to standardize and streamline national and regional trademark registration procedures by simplifying and harmonizing specific aspects, thereby rendering trademark applications and the administration of their registrations across multiple jurisdictions less complex and more efficient. The overwhelming majority of the TLT's provisions pertain to procedures before a trademark registry office, which are categorized into three principal stages: application for registration, post-registration modifications, and renewal. The provisions governing each stage are formulated to delineate precisely the requirements to be fulfilled by any given application or request. The TLT incorporates a Model International Form, delineating the maximum requirements that a Contracting Party may impose with respect to a procedure or document.

1- In the field of industrial designs:

A- The Hague Agreement Concerning the International Deposit of Industrial Designs:

⁴⁵ Madrid Agreement Concerning the International Registration of Marks and the Protocol thereto of 1979 ("Madrid Protocol"), available at: https://www.wipo.int/treaties/ar/registration/madrid/summary_madrid_marks.html, accessed on: 01/03/2025.

⁴⁶ Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, 1957 ("Nice Union"), available at: https://www.wipo.int/treaties/ar/classification/nice/summary_nice.html, accessed on: 03/03/2025.

⁴⁷ Vienna Agreement Establishing an International Classification of the Distinctive Elements of Marks, 1973 (Vienna Union), available at: https://www.wipo.int/treaties/ar/classification/vienna/summary_vienna.html, accessed on: 03/03/2025.

The Hague Agreement was concluded in 1925 and subsequently revised in London in 1934 and in The Hague in 1960. It was supplemented by an Additional Act signed in Monaco in 1961 and a Complementary Act signed in Stockholm in 1967 and amended in 1979. As noted above, a further Act was adopted in Geneva in 1999. The 1999 Act is open to any country member of WIPO and to certain intergovernmental organizations. Instruments of ratification or accession must be deposited with the Director General of WIPO. While the 1960 Act remains open to states party to the Paris Convention for the Protection of Industrial Property (1883), the more efficacious 1999 Act is the one to which governments of potential contracting parties are advised to accede.

Two Acts of the Hague Agreement are currently in force: the 1999 Act and the 1960 Act. In September 2009, it was resolved to suspend the application of the 1934 Act of the Hague Agreement in order to simplify and facilitate the administration of the international design registration system in general.⁴⁸

B- Locarno Agreement Establishing the International Classification for Industrial Designs:

The Locarno Agreement, concluded in Locarno in 1968 and amended in 1979, instituted a classification for industrial designs (the Locarno Classification). The competent offices of the Contracting States must indicate, in the official documents pertaining to the filing or registration of industrial designs, the numbers of the classes and subclasses of the Classification to which the goods incorporating the designs pertain. The same procedure must likewise be observed in all publications issued by the offices regarding the filing or registration.

The Agreement also established a Committee of Experts composed of representatives of all member states of the Assembly. Its principal function is the periodic review of the Classification. The Agreement is open to states party to the Paris Convention for the Protection of Intellectual Property (1883). Instruments of ratification or accession must be deposited with the Director General of WIPO.⁴⁹

3- In the field of integrated circuits:

The Washington Convention on the Protection of Integrated Circuits:

The Washington Treaty, adopted in 1989, safeguards layout designs (topographies) of integrated circuits. However, the treaty has yet to come into force.⁵⁰

4- In the area of appellations of origin:

A- Madrid Agreement for the Prevention of False or Misleading Indications of the Origin of Goods:

The agreement was initially concluded in 1891 and subsequently revised in Washington in 1911, The Hague in 1925, London in 1934, Lisbon in 1958, and Stockholm in 1967.

This agreement stipulates that any goods bearing a false or misleading indication of source, whether directly or indirectly suggesting that one of the contracting countries, or any place therein, is the country or place of origin, shall be subject to seizure upon importation, prohibition, or other penalties and measures.

It further specifies the conditions under which seizure may be requested and enforced, along with the methods for such enforcement. The use of any advertising statements designed to deceive the public concerning the source of the goods when sold or offered for sale is explicitly prohibited. The courts of each Contracting State shall have jurisdiction over names that fall outside the scope of the Agreement's provisions, due to their status as generic names (this exclusion does not extend to regional names specific to the origin of wine products). The Agreement does not call for the establishment of a union, governing body, or budget.⁵¹

⁴⁸ Trademark Law Treaty 1994, available at: https://www.wipo.int/treaties/ar/ip/tl/summary_tlt.html, accessed on: 03/03/2025.

⁴⁹ Hague Agreement Concerning the International Deposit of Industrial Designs of 6 November 1925, available at: https://www.wipo.int/treaties/ar/registration/hague/summary_hague.html, accessed on 08/03/2025.

⁵⁰ Locarno Agreement Establishing the International Classification for Industrial Designs, available at: https://www.wipo.int/treaties/ar/classification/locarno/summary_locarno.html, accessed on: 09/03/2025.

⁵¹ Washington Convention on the Protection of Integrated Circuits, available at: <https://www.wipo.int/treaties/ar/ip/washington/index.html>, accessed on: 09/03/2025.

C- Agreement Concerning the International Registration of Appellations of Origin and Their International Registration:

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration was concluded on October 31, 1958. It stipulates that appellations of origin in member countries shall receive protection when they are safeguarded in their country of origin. The Agreement outlines provisions for the definition of an appellation of origin and the measures of protection, and it includes an International Register of Appellations of Origin, administered by the World Intellectual Property Organization. The Agreement entered into force in 1966, was revised in Stockholm in 1967, and was subsequently amended in 1979 and again in 2015.

Third: International Industrial Property Organizations:

International organizations assume a crucial role in the protection of intellectual property rights, as artistic, literary, and scientific works are regarded as a shared heritage of humanity, necessitating collaboration between both developed and developing nations through the exchange of knowledge. To accomplish this, developing countries must enhance their intellectual property laws and receive the requisite guidance to update them, thereby establishing modern, exemplary frameworks that align with contemporary scientific and cultural progress. Furthermore, they must commit to the enforcement of international agreements governing these rights and foster cooperation with developed countries in this domain.

These organizations aim to establish national centers of creativity and formulate global laws that safeguard intellectual property rights, targeting all stakeholders, irrespective of variations in economic or social systems, or even differing levels of development among countries. Special emphasis must be placed on developing nations to attain a scientific and intellectual equilibrium between them and their developed counterparts.⁵²

1- World Intellectual Property Organization (WIPO):

The World Intellectual Property Organization (WIPO) is an agency of the United Nations dedicated to intellectual property rights. Established on July 14, 1967, in Stockholm, it serves as the global forum for services, public policy, cooperation, and information regarding intellectual property. Through its pioneering efforts, the organization seeks to create a balanced and effective international intellectual property system. It plays a significant and crucial role in safeguarding intellectual property rights globally, supporting the entitlements of intellectual property owners, and fostering innovation and creativity for the benefit of all. This mission is realized through collaboration among nations and other organizations that govern intellectual property rights, regardless of their location.⁵³

Since December 17, 1974, WIPO has been a specialized agency of the United Nations. Membership is available to any state that is a member of the Paris and Berne Unions, or to any state that is not a member of these Unions but is part of the United Nations or one of its specialized agencies. Membership is granted upon invitation from the General Assembly to join the WIPO Convention. WIPO currently boasts 171 member states, representing approximately 90% of the world's nations.

The organization strives to advance industrial property rights globally through collaboration between nations and the administration of multilateral agreements pertaining to the legal dimensions of intellectual property management. It is founded on the principle of sovereign equality among states, irrespective of their political, social, or economic standing, as well as the principle of non-interference in the internal affairs of states. In pursuit of its goals, the organization undertakes a range of fundamental administrative duties in alignment with its established purposes. These responsibilities encompass supporting initiatives designed to facilitate the effective protection of industrial property on a global scale, harmonizing national legislation in this domain, fostering the negotiation of international agreements aimed at safeguarding industrial property rights, providing legal and technical cooperation and assistance to states, conducting studies, and compiling research. Additionally, it endeavors to resolve disputes

⁵² Madrid Agreement for the Criminalization of False or Misleading Indications of Origin of Goods, available at: https://www.wipo.int/treaties/ar/ip/madrid/summary_madrid_source.html, accessed on: 09/03/2025.

⁵³ Muhammad Khalil Yusuf Abu Bakr: Copyright in Law: A Comparative Study, University Foundation for Studies, Publishing and Distribution, Lebanon, First Edition, 2008, p. 376.

between member states in the realm of industrial property rights through the WIPO Arbitration and Mediation Center and ensures administrative cooperation among unions.⁵⁴

2- The World Customs Organization (WCO):

The World Customs Organization (WCO) is an intergovernmental entity founded in 1952 under the designation of the Customs Cooperation Council. It is recognized as a leading and specialized institution in the domain of counteracting counterfeiting and piracy, through the establishment of legal instruments aimed at coordinating customs systems and facilitating effective communication among member states. This collaborative effort enhances the efficiency of customs administration in addressing this pervasive issue. Customs plays a pivotal role in combating crimes that impact intellectual and industrial property rights specifically, having endorsed significant recommendations to tackle counterfeiting as a global crime that necessitates intensified international cooperation. The organization also ensures the protection of intellectual property rights by updating administrative procedures in alignment with various international agreements, such as the Paris and TRIPS Conventions, and by fostering cooperation among authorities engaged in trade and foreign exchange, encompassing tax, commercial, and banking sectors.⁵⁵

The Convention enacted measures to combat offenses violating industrial property rights (IPRs) through the oversight and monitoring of fifteen international agreements that address various customs matters related to IPRs. The Organization further highlighted the development of a strategy to reform customs administrations in order to tackle contemporary challenges, with a particular focus on counterfeiting and piracy of protected products, as these are border-related issues that demand coordinated international efforts. Additionally, the Organization underscores the efficacy and role of IPR protection agencies, both through administrative and judicial frameworks, and works to combat commercial fraud, exemplified by the exchange of goods bearing counterfeit or pirated trademarks, as well as to curb the illicit trade in goods infringing upon IPRs. Within the framework of the Customs Cooperation Council, the Organization developed model legislation in 1995 to assist nations in shaping their national laws aimed at combating counterfeiting and piracy. It also created a databank to record counterfeiting networks as part of its information exchange function, thereby reinforcing the global information network for monitoring the movement of goods across borders.⁵⁶

Conclusion:

The interest in industrial property rights aligns with their economic and commercial significance, as well as their pivotal role in fostering a monumental technological breakthrough. This has propelled the volume of national production and advancement across all sectors, driven by the investment in these intellectual works and their distribution in global markets in the form of products, goods, and services. The fight against all forms of infringement, which have affected various types of creativity and innovation—ranging from theft at times to imitation at others—has resulted in significant harm to the financial and moral interests of the proprietors of these rights. This is particularly critical given that the nature of intellectual property rights is no longer confined to local or regional boundaries, but rather has become international in scope. This shift has necessitated an increased level of protection for these rights and a concerted effort to establish expansive international legal frameworks that offer enhanced protection.

Industrial property rights encompass those rights that pertain to distinctive signs, including trademarks and appellations of origin, as well as those related to innovations, such as patents, industrial designs and models, and integrated circuits. These rights are the product of human advancement, reflecting the superiority of human intellect and creativity in realizing innovation in tangible forms. They serve humanity, drive prosperity and progress within societies, and provide essential goods and services for daily life.

A legislative awakening focused on the protection of industrial property rights emerged in the nineteenth century. Initially, the responsibility for safeguarding these rights was entrusted to national laws, despite their diversity, as

⁵⁴ No author: World Intellectual Property Organization, available at: <http://www.WIPO.int>, browsing date: 09/17/2023.

⁵⁵ Taha Aissani, Fawzia Abdullah: The role of international organizations in combating crimes against intellectual property rights, a presentation at the National Forum on Crimes Against Intellectual Property, 22-323.

⁵⁶ Abdelli Naima: The Role of the International Community in Combating Counterfeiting in Industrial Property Matters, a presentation at the National Forum on Intellectual Property Crimes and Mechanisms for Combating Them, held on February 17, 2022, Faculty of Law, University of Algiers 1 Benyoucef Benkhedda, 2022, pp. 310-311.

well as the establishment of legal protection for the creators of intellectual works, particularly in response to the increasing infringements and piracy that affected these rights as a consequence of the Industrial Revolution in Europe.

However, the insufficiency of national legal frameworks and texts recognizing the rights of intellectual property holders became evident. The level of protection afforded to industrial property rights was inadequate in light of the technological revolution and scientific advancements, which introduced new forms of rights.

Industrialized nations succeeded in internationalizing the protection of intellectual property rights, aiming to fortify legal safeguards, unify procedural rules, and establish appropriate mechanisms to ensure the rights of their owners and recognize their intellectual contributions by adopting comprehensive agreements encompassing all intellectual property rights. These agreements form the constitution and foundation of the international system for the protection of industrial property rights, established through the conclusion of two agreements that laid the groundwork for international industrial property law.

The TRIPS Agreement introduced a dispute resolution framework, closed avenues for counterfeiters, and provided sufficient guarantees for rights holders. The Convention set new standards to address the challenges posed by emerging technologies, obliging both member and non-member states to implement effective procedures and measures within their national laws, elevating the levels of protection to confront infringements of industrial property rights.

The international legislature also adopted specialized agreements aimed at protecting industrial property rights, categorized according to the various types of industrial property, including trademarks, appellations of origin, industrial designs and models, patents, and layout designs of integrated circuits.

Efforts are continually made to connect and coordinate international bodies active in the field of industrial property rights, with the objective of encouraging innovation.

Provision of advice and assistance, especially to developing countries, remains a focal point, underscoring the principle of international cooperation in sharing information and monitoring progress in the protection of industrial property rights.

There is also an ongoing effort to harmonize customs standards, ensuring a balance between the necessity of customs controls and the facilitation of international trade.

Finally, ensuring the coordination of administrative procedures related to industrial property rights is paramount, aligning the content of national legislation with the provisions of various international agreements regulating industrial property rights.

Methodology

This study adopts a qualitative and analytical legal approach, examining international conventions, agreements, and institutional frameworks governing the protection of industrial property rights. Comparative analysis was applied to international instruments such as the Paris Convention for the Protection of Industrial Property (1883), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and the Madrid and Hague systems for trademark and industrial design registration. Primary legal sources, international case law, and academic commentaries were systematically reviewed to identify trends, challenges, and mechanisms contributing to the harmonization of industrial property protection at the global level.

Ethical Considerations

This research adheres to the ethical principles of academic integrity, transparency, and respect for intellectual property. All referenced materials and legal texts are properly cited in accordance with international academic standards. The study involves no human participants, confidential data, or experimental elements requiring ethical approval. The author ensures objectivity, impartiality, and accuracy in the interpretation of legal sources and institutional policies.

Acknowledgement

The author expresses sincere gratitude to the Multidisciplinary Research and Studies Laboratory in Law, Heritage and History at the University of Batna 1, for providing an academic environment that supports interdisciplinary legal research. Appreciation is also extended to colleagues in the Faculty of Law and Political Science for their insightful discussions and feedback that enriched this study.

Funding. This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors. The work was conducted independently as part of the author's academic duties within the University of Batna 1.

Conflict of Interest. The author declares no conflict of interest. The opinions and conclusions expressed herein are solely those of the author and do not necessarily reflect the official position of the University of Batna 1 or any affiliated institution.

References

1. Abdelli, N. (2022). The role of the international community in combating counterfeiting in industrial property matters. Paper presented at the National Forum on Intellectual Property Crimes and Mechanisms for Combating Them, Faculty of Law, University of Algiers 1 Benyoucef Benkhedda, 310-311.
2. Ajja, A. J. (2015). Industrial designs and models: Their characteristics and protection: A comparative study of the legislation of Algeria, Tunisia, Morocco, Egypt, Jordan, and French and American legislation and international agreements. Encyclopedia of Industrial Property Rights, Part Three. Zain Legal Publications.
3. Ajja, A. J. (2015). Trademarks, their characteristics and protection: A comparative study of the legislation of Algeria, Tunisia, Morocco, Egypt, Jordan, French and American legislation, and international agreements. Lebanon.
4. Ajja, A. J. (n.d.). Industrial drawings and models: Their characteristics and protection. [Referenced pages: 26-27, 113].
5. Amer, M. A.-K. (2011). The law applicable to intellectual property issues: A comparative study. First edition. Egypt.
6. Bouamra, A. (2018). Industrial designs and models: What protection? Sawt Al-Qanoon Magazine, 5(2), October.
7. Boubaker, N. (2018). The concept of layout designs of integrated circuits according to Algerian legislation. Al-Manar Journal of Legal and Political Research and Studies, (4), 161.
8. Bouqmija. (2012). The legal system of trademarks. Lectures given to students of the Higher School of the Judiciary.
9. Budapest Agreement Concerning the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Filing. (2025, February 25). Retrieved from https://www.wipo.int/treaties/ar/registration/budapest/summary_budapest.html
10. Dawood, B. A. A.-D. (2017). Conflict of systems in intellectual property rights: A comparative study. First edition. Saudi Arabia.
11. Farha, Z. S. (n.d.). The complete book on commercial law: Intellectual rights, industrial and commercial property rights, literary and artistic property rights. Ibn Khaldoun Publishing and Distribution House.
12. Hague Agreement Concerning the International Deposit of Industrial Designs. (2025, March 8). Retrieved from https://www.wipo.int/treaties/ar/registration/hague/summary_hague.html
13. Hien, N. T. T. (2022). Digital economic development in Ho Chi Minh City in the current period. Bank and Policy, 2(1). <https://bankandpolicy.org/open-access-archive/10-bank-and-policy-vol2-issue-1-2022.html>
14. Hijazi, A. F. B. (2008). Industrial property in comparative law. Dar Al-Fikr Al-Jami'i.
15. Ibrahim, I. H. M. (2016). Civil protection of patents and trade secrets. Library of Economics and Law.
16. Locarno Agreement Establishing the International Classification for Industrial Designs. (2025, March 9). Retrieved from https://www.wipo.int/treaties/ar/classification/locarno/summary_locarno.html
17. Madrid Agreement Concerning the International Registration of Marks and the Protocol Thereto of 1979 ("Madrid Protocol"). (2025, March 1). Retrieved from https://www.wipo.int/treaties/ar/registration/madrid/summary_madrid_marks.html

18. Madrid Agreement for the Criminalization of False or Misleading Indications of Origin of Goods. (2025, March 9). Retrieved from https://www.wipo.int/treaties/ar/ip/madrid/summary_madrid_source.html
19. Moussa, N. (2022). Criminal protection of layouts of integrated circuits in Algerian legislation. *Journal of Research in Law and Political Science*, 8(1), 318–322.
20. Muhammad, K. Y. A. B. (2008). *Copyright in law: A comparative study*. University Foundation for Studies, Publishing and Distribution.
21. Muhammad, M. A.-K. (2004). The mechanism for the protection of intellectual property rights. In *Conference on the Legal and Economic Aspects of the World Trade Organization Agreements (Vol. 2, pp. 255–259)*.
22. Naseem, K. A.-S. (2017). *Trademarks and their protection from unfair competition: A comparative study*. Jordan.
23. Nasreen, C. (2017). *Intellectual property rights: Copyright and related rights, industrial property rights*. Dar Belqis Publishing.
24. Nazarov, B. (2022). Power in the world on the basis of “similar scenarios” changes (Eastern Europe, CIS, Middle East and Africa). *Bank and Policy*, 2(1). <https://bankandpolicy.org/open-access-archive/10-bank-and-policy-vol2-issue-1-2022.html>
25. Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (“Nice Union”). (2025, March 3). Retrieved from https://www.wipo.int/treaties/ar/classification/nice/summary_nice.html
26. No author. (2023, September 17). World Intellectual Property Organization (WIPO). Retrieved from <http://www.wipo.int>
27. Osama, N. A.-M. (2011). *A concise guide to intellectual property rights*. First edition. Jordan.
28. Paris Convention for the Protection of Industrial Property. (1883). World Intellectual Property Organization (WIPO). Retrieved from <https://www.wipo.int/treaties/en/ip/paris/>
29. Salah, Z. E.-D. (2001). *Industrial and commercial property: Patents, industrial designs, industrial models, trademarks, commercial data*. Second edition. Dar Al-Thaqafa for Publishing and Distribution.
30. Salah, Z. E.-D. (2006). *Introduction to intellectual property: Its origins, concept, scope, adaptation, regulation and protection*. Dar Al-Thaqafa for Publishing and Distribution.
31. Salah, Z. E.-D. (2007). *Explanation of industrial and commercial legislation*. First edition. Jordan.
32. Salwa, G. A. H. (2016). *Criminal protection of intellectual property*. Center for Arab and Legal Studies.
33. Samir, H. J. A.-F. (1984). *Industrial property according to Algerian laws*. Office of University Publications.
34. Strasbourg Convention Concerning the International Patent Classification. (2025, February 25). Retrieved from https://www.wipo.int/treaties/ar/classification/strasbourg/summary_strasbourg.html
35. Taha, A., & Fawzia, A. (2023). The role of international organizations in combating crimes against intellectual property rights. Presentation at the National Forum on Crimes Against Intellectual Property.
36. Trademark Law Treaty. (1994). Retrieved from https://www.wipo.int/treaties/ar/ip/tlt/summary_tlt.html
37. Vienna Agreement Establishing an International Classification of the Distinctive Elements of Marks (“Vienna Union”). (2025, March 3). Retrieved from https://www.wipo.int/treaties/ar/classification/vienna/summary_vienna.html
38. Washington Convention on the Protection of Integrated Circuits. (2025, March 9). Retrieved from <https://www.wipo.int/treaties/ar/ip/washington/index.html>
39. Yadav, U. S. (2022). Performance of women in MSMEs during the pandemic COVID-19 in India: Strategies for developing the handicraft sector with artisan as entrepreneur. *Bank and Policy*, 2(1). <https://bankandpolicy.org/open-access-archive/10-bank-and-policy-vol2-issue-1-2022.html>
40. Zarawi, F. (n.d.). *The complete book on commercial law: Intellectual rights, industrial and commercial property rights, literary and artistic property rights*. Ibn Khaldoun Publishing.
41. Zawawi, A.-K. (2015). Unfair competition acts affecting designations of origin. *Journal of Al-Mofakir*, (12), 430.
42. Zein El-Din, S. (2001). *Industrial and commercial property*. Dar Al-Thaqafa for Publishing and Distribution.
43. Zein El-Din, S. (2006). *Introduction to intellectual property*. Third issue. Jordan.
44. Zein El-Din, S. (2007). *Explanation of industrial and commercial legislation*. First edition. Jordan.