

European Patents extendable to outside Europe for the first time: Morocco

May 2015

A ground-breaking agreement between the European Patent Organisation and the Government of Morocco, means that European Patent Applications having a filing date of 1 March 2015 or later will be extendable to Morocco.



Tim Hewson
Consultant, Bath
tim.hewson@abelimray.com

To obtain protection in Morocco, the applicant will need to pay a “validation fee” of 240 Euros to the EPO within 6 months of European publication. After grant by the EPO the patent can then be validated in Morocco alongside the validations required for European states. We understand that the validation will require filing with the Moroccan authorities a translation of the claims into French or Arabic. Bearing in mind that a French translation of the allowed claims is already required by the EPO, protection in Morocco is obtained without any additional translation costs making this a much more attractive route to obtaining protection in Morocco than a direct national filing which required a French translation of the whole specification.

So why would you want a patent in Morocco? Well, it is a country of 33 million people with a GDP that is growing by 4-5% per year. It is the 5th largest economy in Africa and has strong ties to Europe, especially to France and Spain. There is much illicit trade between Europe and Morocco, the country having long been the main source of Europe’s cannabis. Of more interest to patent-holders, Morocco has a thriving trade in counterfeit medicine and is estimated to

be the tenth most important departure country for illicit medicines*.

The agreement is also significant because it serves as a model for further agreements to extend European Patents both within and outside of Europe. The EPO has entered into similar agreements with both Tunisia and Moldova, although there has not yet been set a date for their entry into force; and negotiations have been held between the EPO and both Georgia and OAPI (OAPI is an international organisation concerned with IP rights in 17 African countries).

A European Patent Application filed today potentially covers 41 countries and it might not be long before we are able to add another 20 to that list. Geography is no longer a boundary.

* Source: World Customs Organisation Illicit Trade Report (2013 figures).

If you have any questions concerning this article or any related matter please feel free to contact us at ai@abelimray.com

London
20 Red Lion Street
WC1R 4PQ, UK
T +44(0)20 7242
9984
F +44(0)20 7242
9989

Cardiff
3 Assembly Square
Britannia Quay
CF10 4PL, UK
T +44(0)29 2089
4200
F +44(0)29 2089
4201

Bath
Westpoint Building
James Street West
BA1 2DA, UK
T +44(0)1225 469
914
F +44(0)1225 338
098