

TUNISIA

Designs (Register) Decree

Decree No. 2001-1604 of July 11, 2001, fixing the procedures for the deposit
of industrial designs and the procedure for entry in the National register
of Industrial designs

ENTRY INTO FORCE: July 20, 2001

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1.

An application for the deposit of any industrial design shall include:
(1) a declaration of deposit, in two copies, drafted using the form produced by the body responsible for industrial property.

This declaration shall specify inter alia:

- the identity of the depositor and his address,
- the number of designs included in the deposit and, for each of them, an indication of its subject matter, and the number and titles of the graphic or photographic reproductions relating thereto,
- where necessary, an indication that the depositor claims the right of priority attached to a previous deposit abroad.

(2) a graphic or photographic reproduction, in two copies, of the industrial designs.

This reproduction may be accompanied by a brief explanatory description for documentary purpose.

(3) proof of payment of the prescribed fee.

(4) the power of attorney of the agent, where such an agent is appointed.

(5) where a priority claim exists, an official copy of the previous deposit and, for depositors who are nationals of non-member country of the Paris Convention for the Protection of Industrial Property or non-members of the World Trade Organization, proof of the claim to the right of priority. These items shall be sent to the body responsible for industrial property within three months of the date of deposit in Tunisia.

If these formalities are not observed, the claim of property shall be considered void.

A single deposit may not relate to more than 50 industrial designs. Those designs shall all concern the same category of goods.

2.

Following receipt of the deposit, the body responsible for industrial property shall mention, on the declaration, the date and deposit number. A deposit receipt shall be sent to the depositor by the body responsible for industrial property.

All correspondence or subsequent deposits of items which do not mention the deposit number or are not accompanied, where appropriate, by proof of payment of the prescribed fee shall be considered inadmissible.

3.

The following shall be entered in the National Register of Industrial Designs, hereafter referred to as "the Register," for each deposit:

(1) the identity of the depositor, the deposit references and all the

subsequent acts affecting the existence or scope thereof,
(2) the acts amending in any way the ownership of an industrial design of the enjoyment of the rights attached thereto and, in the case of a claim of ownership, the corresponding assignation,
(3) changes of names, legal status or depositor's address and also rectifications of material errors affecting the entries.

4.

The information mentioned under Article 3(1) of this Decree shall be entered in the Register on the initiative of the body responsible for industrial property or, in the case of a final judgment declaring the deposit void, at the request of one of the parties.

5.

The acts mentioned under Article 3(2) of this Decree and amending the ownership of an industrial designs or the enjoyment of the rights stemming therefrom, such as assignment, the grant of a right of use, the assignment of a pledge or the surrender thereof, seizure, validation and lifting of seizure shall be entered in the Register at the request of one of the parties to the act.

6.

Changes of names, address and legal status, and the rectifications of material errors shall be entered in the Register at the request of the owner of the deposit.

However, where these changes and rectifications relate to an act previously entered in the Register, the request may be made by any party to the act.

7.

The Register entry file shall include:

- a written request for entry, in two copies,
- any document providing proof of the entry,
- proof of payment of the prescribed fee,
- the power of attorney, where appropriate.

8.

The minister of Industry shall be responsible for enforcing this Decree which shall be published in the Official Gazette of the Republic of Tunisia.