

Applicable Procedures in Tunisia to Challenge and Enforce Rights in Appellations of Origin and Geographical Indications

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The procedures applicable in the territory of Tunisia with regard to challenges to and the application of rights connected with appellations of origin and geographical indications are governed by:

- Law No. 99-57 of June 28, 1999, on Controlled Appellations of Origin and Indications of Source of Agricultural Products.
- Law No. 2007-68 of December 27, 2007, on Appellations of Origin, Geographical Indications and Indications of Source of Handicraft Products.
- Law No. 2001-36 of April 17, 2001, as amended and supplemented by Law No. 2007-50 of July 23, 2007, on Trademarks and Service Marks.

1. **Agricultural Products** (Law No. 99-57 of June 28, 1999):

- All acts that infringe controlled appellations of origin or indications of source that are protected in the territory of Tunisia are prohibited under Articles 16 to 21 of the Law.
- Articles 28 to 34 govern the administrative and judicial protection measures that may be used to prevent or stop the illicit use of controlled appellations of origin and indications of source that are protected in the territory of Tunisia, including corrective measures, injunctions, the awarding of damages and prison sentences.

2. **Handicraft products** (Law No. 2007-68 of December 27, 2007):

- All acts that infringe appellations of origin, geographical indications or indications of source that are protected in the territory of Tunisia are prohibited under Articles 19 to 22 of the Law.
- Articles 27 to 33 govern the administrative and judicial protection measures that may be used to prevent or stop the illicit use of appellations of origin, geographical indications and indications of source that are protected in the territory of Tunisia, including corrective measures, injunctions, the awarding of damages and prison sentences.

3. **Marks** (Law No. 2001-36 of April 17, 2001):

- Under Articles 4 and 5 of the Law, a mark may not be registered if it infringes a prior appellation of origin or is likely to mislead the public, especially with regard to the nature, quality or geographical origin of the product or service.
- Articles 32 and 33 provide for cancellation by the competent court of the registration of a mark that infringes a prior appellation of origin or that is likely to mislead the public, especially with regard to the nature, quality or geographical origin of the product or service.
- Articles 37 to 43 provide for appeals against decisions by the legal representative of the National Standardization and Industrial Property Institute (INNORPI).