



The Internationalisation of the National Brand as a Strategic Option to Promote the Global Integration of the Algerian Economy.

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ABSTRACT: In today's world, increasing international competition is no longer solely based on resources and production capabilities, but also on countries' ability to market their identity, known as the national brand. A national brand is considered a strategic tool for enhancing the economy by promoting products, attracting investment and drawing in tourists. In this context, Algeria is moving towards a new economic policy aimed at reducing its dependence on hydrocarbons and diversifying its exports. This requires the development of a robust national brand, grounded in strategic principles that support this shift and enhance Algeria's presence in global markets.

Keywords: national brand, brand internationalisation, registration, investment.

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Introduction

Today, the world is experiencing increasing international competitiveness. This relies not only on the abundance of resources or production capabilities, but also on countries' ability to market their image and identity both domestically and internationally. This concept is known as the national brand. Countries are striving to build a strong national brand that expresses their uniqueness and distinguishes them from others, thereby promoting their products, attracting investments, drawing in tourists and asserting their economic and cultural presence on the international stage.

In this context, the national brand is no longer merely a promotional tool; it has become an effective instrument for sustainable economic development, especially in a global economy built on image, trust, and first impressions. Therefore, there is a need to understand the relationship between building a national brand and enhancing economic performance, particularly for countries seeking economic transformation and renewal, such as Algeria.

In recent years, Algeria has undergone strategic shifts in its economic policy. These shifts are reflected in a gradual move away from excessive reliance on the hydrocarbons sector and a focus on diversifying exports, developing national production and opening up to African and global markets. Against this backdrop, there is an urgent need to develop a robust Algerian national brand to support this transition and facilitate the integration of Algerian products into the global market.

This topic was chosen for several reasons, primarily because Algeria is undergoing an economic transformation that requires effective tools to enhance its external competitiveness. Additionally, there is a scarcity of in-depth studies on the relationship between the national brand and the Algerian economy, lending the topic research value.

The importance of this topic lies in:

- Highlighting a modern economic development tool that is rarely addressed in the Algerian context.
- Proposing practical solutions to help decision-makers in Algeria build an effective national brand strategy.
- emphasising the role of national identity and cultural specificities in supporting the economy and promoting local products at regional and international levels.

The objectives of this study can be summarised as follows:

- Clarifying the concept of the national brand and outlining its characteristics, components and role in supporting the national economy.

Highlighting the importance of improving Algeria's economic image in global markets as a means of attracting investment and fostering trust in national products.

Based on what has been presented, I have the following question:

How can the internationalisation of the national brand contribute to Algeria's new direction towards economic openness and export diversification?

This question will be answered in the following two sections:

Section One: The foundations and strategic motivations for the internationalisation of the national brand.

Section Two: Requirements for the Internationalisation of the National Brand

Section One: The Foundations and Strategic Motivations for the Internationalisation of the National Brand

Internationalising the national brand is a strategic option through which countries can enhance their economic and cultural presence in global markets. This approach is based on several foundations, such as the need to diversify the economy and increase the competitiveness of national products. It is driven by multiple motivations, the most significant of which are attracting foreign currency and improving the country's international image. Internationalising the brand helps to consolidate the country's position as an influential economic player. Therefore, it is crucial to understand these foundations and motivations to ensure the success of this endeavour and achieve its developmental goals. In this section, I will discuss two ideas: the definition of the national brand and its dimensions (Subsection One), and the internationalisation of the national brand and its relationship to the economy (Subsection Two).

Subsection One: The Concept of the National Brand and Its Dimensions

A national brand is a means of distinguishing products or services and represents a commercial identity with legal, economic, cultural and marketing implications. This concept's importance lies in its multiple dimensions, where legal protection functions intertwine with strategic dimensions related to the state's image and the competitiveness of its products in local and international markets. I will discuss this in the following two subsections:

Branch One: Definition of the National Brand and Its Economic and Cultural Dimensions

The national brand can be regarded as a strategic tool that reflects the state's image and the quality of its products and services in local and international markets. Its scope is not limited to the commercial realm; it also encompasses economic dimensions that bolster the competitiveness of the national economy and cultural dimensions that accentuate the state's identity and civilisational affiliation.

First: The legal definition of the brand

In Article 2¹ of Ordinance 06-03, the Algerian legislator defined a trademark as any symbol that can be represented graphically. This includes words (including names of individuals), letters, numbers, drawings or images, distinctive shapes of goods or their packaging, and colours, either alone or in combination. These elements are used to distinguish the goods or services of a natural or legal person from those of others. Every good or service offered, sold or displayed for sale throughout the national territory must have a trademark².

Some legal scholars disagree on the distinction between a trademark and an industrial mark. Some consider the industrial mark to be a tool for distinguishing industrial products, whereas the trademark is seen as a tool for distinguishing goods when they are presented to the market by the distributor or seller. The industrial mark is associated with the production phase, while the trademark emerges in the trading phase. This distinction is based on the nature of the activity rather than the nature of legal protection³.

However, another perspective in legal scholarship argues that this distinction has no practical legal effect, since the Algerian legislator has classified industrial activity as commercial under Article 2 of Ordinance No. 75-59, which falls under commercial law. Consequently, whether the mark is industrial or commercial, it is subject to the same legal provisions.

The primary function of the mark remains the same, regardless of whether it is for goods, services or production: to distinguish and guarantee the source of the goods or service in the market⁴.

According to Article 2 of Ordinance 03-06, service marks now enjoy the same legal protection as trademarks. This article defines a mark as 'any sign that enables the distinction of goods or services of a natural or legal person'. This was further confirmed by the Paris Convention for the Protection of Industrial Property of 1883, to which Algeria is a signatory, as the convention does not distinguish between trademarks, industrial marks or service marks in terms of protection⁵.

Referring to the provisions of Ordinance 03-06, we can see that the Algerian legislator introduced modern classifications for marks. The most notable of these are the collective mark, which is used by a professional group, and the well-known mark, which enjoys special protection even without registration. The legislator also mentioned less significant types, such as reserve marks and prohibitive marks. These classifications appear to have been influenced by international developments in the field of industrial property, particularly the Paris⁶ Convention and the TRIPS Agreement.

Second: The Cultural Dimensions of the National Brand

The theory of social⁷ identity provides a robust framework for understanding the relationship between national belonging and consumer behaviour towards the national brand. According to the proposal of Henri Tajfel and Turner (1978), individuals categorise themselves into groups and develop their social identity based on their group affiliations. This inclines them to favour products and choices that reinforce this identity. In this context, the national brand ('Made in Algeria', for example) represents a visual and symbolic

¹- Article 2 of Order No. 03-06, dated 19 July 2003 and concerning trademarks, was published in the Official Gazette of the People's Democratic Republic of Algeria (No. 44) on 23 July 2003.

²- Article 3 of the first paragraph of Order 06-03, same source.

³- Abdel Razak Al-Sanhouri, *The Mediator in Explaining Civil Law*, Volume 8: Moral Rights – Literary, Artistic and Commercial Property, Al-Nahda Al-Arabiya Publishing House, Cairo, 1968, p. 605.

⁴- Mohamed Hassanein, *Studies in Intellectual Property Laws*, Dar Al-Jamia Al-Jadida, Alexandria, 2010, p. 117.

⁵- Paris Convention for the Protection of Industrial Property, 1883, Article 6 bis (as amended in Stockholm in 1967). Algeria acceded to this convention under Order 66-48, dated 25 February 1966, and officially ratified it under Order No. 75-02 on 9 January 1975 (Official Gazette, 1975, No. 10).

⁶- Mustafa Kamal Taha, *Industrial and Commercial Property*, Dar Al-Matbu'at Al-Jami'iya, Alexandria, 2007, p. 189.

⁷- Tajfel, H. & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. G. Austin & S. Worchel (Eds.), *The Social Psychology of Intergroup Relations* (pp. 33–47).

embodiment of national identity. It expresses not only the product's origin, but also becomes a symbol of belonging, national quality and collective pride⁸.

When consumers recognise that a local product carries a clear national brand, they often associate it with their dignity and identity, feeling that supporting it is a national duty. This sense of belonging motivates them to adopt the behaviour of a 'citizen consumer'⁹, whereby the purchasing decision becomes an expression of loyalty to the country rather than merely a consumer preference. Furthermore, the presence of a national brand can enhance positive social comparisons by emphasising the superiority of local products, particularly when accompanied by media campaigns portraying them as symbols of progress and development¹⁰.

In light of the theory of social identity, we conclude that the national brand is a highly significant communicative and strategic tool. It fosters a sense of collective belonging, strengthens the bond between citizens and local products, and contributes to a positive perception of the national economy as a whole.

Third: the economic dimensions of the national brand.

A trademark is not just a way of distinguishing products from each other; it has also become an important economic tool. It enables institutions to establish their presence in the market, enhancing consumer trust in the quality of their products and contributing to their competitiveness at local and international levels.

Additionally, the brand creates added value for products and services, serving as an effective promotional tool that drives exports and stimulates commercial activity¹¹.

The Algerian Customs Law establishes practical mechanisms to protect trademarks from counterfeiting and unlawful exploitation, particularly during import and export operations. The law prohibits the import of goods bearing written information or signs on the products or their packaging, boxes, straps, envelopes, tapes or labels that suggest the goods are of Algerian origin¹².

Customs oversight plays a crucial economic role as well as a security one, protecting the market from counterfeit goods, providing a fair trading environment, and encouraging both local and foreign investors to enter the Algerian market with confidence.

This reduces pressure on ports and airports, improves the efficiency of the movement of goods, and transforms them into transit points rather than permanent storage areas¹³.

Clearly, the trademark has transcended its traditional role to become an effective means of protecting the market and encouraging investment. The Algerian legislator has worked to reinforce this position by establishing a comprehensive legislative framework that provides legal and customs protection for trademarks, making them a fundamental pillar in the development of a competitive economy.

⁸- Shimp, T. A. and Sharma, S. (1987). Consumer ethnocentrism: Construction and validation of the CETSCALE'. *Journal of Marketing Research*, 24(3), pp. 280-289.
<https://doi.org/10.1177/002224378702400306>

⁹- Hsieh, M.-H. (2004). Brand Equity and the Extension of Brand Equity: A study on national brands in emerging markets'. *Journal of Product & Brand Management*, 13(2), pp. 103-115.
<https://doi.org/10.1108/10610420410532574>.

¹⁰- Balabanis, G. and Diamantopoulos, A. (2011). 'The national brand origin effect: The moderating role of consumer ethnocentrism and country image'. *International Marketing Review*, 28(2), pp. 194-211.
<https://doi.org/10.1108/0265133111121933>.

¹¹- Benaired, Abdelghani. *Quelques réflexions sur le droit des marques en Algérie : marques enregistrées, contrefaçon et noms de domaine ; marques notoires et concurrence déloyale*, Editions Universitaires Européennes, 2018, p. 12.

¹²- Article 22 of Customs Law 79/10 dated July 21, 1979, Official Gazette, No. 30, issued on July 24, 1979, amended by Article 42 of Law 12-07 dated December 30, 2007, which includes the Finance Law for the year 2008, Official Gazette No. 82, issued on December 31, 2007.

¹³- Benaired, Abdelghani, Ibid., pp. 39-41.

Branch Two: The Role of the National Brand in Supporting Exports and Building Trust in Local Products

A national brand is a symbol that expresses a product's or service's affiliation to a specific country. It highlights the product's origin and the national character it represents, as seen in slogans such as 'Made in Algeria' or 'Algerian Product'. Unlike a trademark, this brand is often issued under government supervision or granted by official bodies, and is used for motivational and promotional purposes to support local production and enhance its competitiveness in the market.

First: The Role of the National Brand in Supporting Exports

A national brand is considered an indirect guarantee of a product's quality and origin, giving it greater credibility in foreign markets. Importers abroad look for reliable, valuable brands. A national brand can facilitate access to international markets and provide local products with a competitive advantage over foreign goods.

Countries that have developed a strong national brand, such as 'Made in Germany' or 'Made in Japan', have successfully marketed their products globally based on the trust associated with their national brand¹⁴.

Secondly, enhancing local consumer trust in national products is important.

The national brand plays an important role in shaping consumer behaviour. The clearer the brand and the more it signifies quality and national identity, the greater the demand for local products and the less reliance there is on imported goods. This strengthens the local industrial fabric and encourages businesses to improve quality¹⁵.

In Algeria, campaigns such as 'Consume Algerian' and 'Made in Algeria' have encouraged consumers to choose local products, particularly when the national brand is associated with quality and transparency.

Subsection Two: The Internationalisation of the National Brand and Its Relationship to the Economy

This subsection explores the reasons and objectives behind the internationalisation of national brands and their relationship with the internationalisation of the national economy. It is divided into two branches: Branch One concerns the motivations of Algeria towards the internationalisation of its brands, and Branch Two concerns the applications of the internationalisation of some Algerian national brands.

Branch One: Algeria's Motivations for Internationalising Its Brands

This branch will focus on two motivations: positioning Algerian products in foreign markets and building a positive image that reflects quality and authenticity through the national brand.

First: Positioning Algerian products in foreign markets

The internationalisation of the national brand is an effective strategic tool for improving the positioning of Algerian products in foreign markets, particularly in the context of intense competition within the global economy. A product bearing a strong national brand does not enter the market as an unknown commodity, but as part of a symbolic system with a visual and cultural identity that attracts consumer attention and distinguishes it from others.

When managed professionally, the national brand creates a positive perception among trade partners and international consumers, establishing Algeria's image as a country that produces more than just raw materials.

¹⁴- Keller, Kevin Lane (2003). Strategic Brand Management: Building, Measuring, and Managing Brand Equity, 2nd Edition, Pearson Education, p. 315.

¹⁵- Fadli, Idris, Industrial Property in Algerian Law, Dar Al-Matbu'at Al-Jami'iya, Algeria, 2013, p. 77.

There is a direct relationship between the national brand and product positioning in global markets. An internationalised brand enhances trust and preference among foreign consumers, particularly when coupled with clear quality standards and an effective promotional strategy¹⁶.

Second: Building a positive image reflecting quality and authenticity through the national brand.

A national brand that is clearly associated with quality and authenticity creates a cultural and symbolic connection between the product and the consumer, particularly in foreign markets. When consumers realise that a product represents heritage and identity as well as being a commodity, the brand's value in their eyes increases and they trust it more. Therefore, a national brand based on authenticity — meaning a commitment to cultural identity and local values — reinforces a positive image of the product and enhances its competitive position.

Research indicates that brand credibility arising from authenticity, reliability and commitment to quality reflects:

- the perceived value of the brand among consumers, or how much they appreciate the price relative to the quality.
- Trust in the brand, enabling it to build long-term relationships with consumers¹⁷.

Branch Two: Applications of the Internationalisation of Some Algerian National Brands

Through this campaign, the Algerian government aims to revive the local economy and enhance the presence of national products, particularly in the agricultural and manufacturing industries, by increasing confidence in quality and facilitating access to foreign markets. The initiative involves rallying support from relevant ministries and implementing reliable manufacturing processes to promote the Algerian brand internationally¹⁸.

First: The internationalisation of the Deglet Nour date

Algerian Deglet Nour dates are a prime example of Algeria's success in using the national brand to access international markets and build trust among foreign consumers in local products. Primarily grown in the south-eastern provinces, particularly Sidi Bouzid and Ouargla, these dates are globally recognised as high-quality organic products thanks to their distinctive taste and transparent golden appearance¹⁹.

'Deglet Nour' has been granted Protected Geographical Indication (PGI) status, which provides international legal protection against counterfeiting. Algerian dates are exported to over 90 countries²⁰, achieving exports worth approximately \$70 million in 2022, with an annual growth rate of over 10% in recent years. This is a strong indicator of the national brand's effective role in promotion and external expansion²¹. Some Algerian companies, such as Nour Dates and Biskra Palm, have expanded their international distribution networks by

¹⁶- Matsumoto, Y., Lee, H. Unveiling the Power of Nation Branding: Exploring the Impact of Economic Factors on Global Image Perception. Sustainability, 2024, Article No. 6950; available at <https://doi.org/10.3390/su16166950>.

¹⁷- Hernandez-Fernandez, A. and Lewis, M. C., 'Brand authenticity leads to perceived value and brand trust'. European Journal of Management and Business Economics, 28(3) (2019): 222–238. Emerald Publishing (Bingley). econstor.eu.

¹⁸- 'Protection des marques commerciales algériennes, vers l'élaboration d'une stratégie nationale', 2024. Article available at: algeriainvest.com.

¹⁹- Algerian dates', article published on the website: <https://www.aps.dz/ar/economie/143073-2023-05-01-13-30-48>

²⁰- Article published on the site: <https://www.aps.dz/ar/economie/171375-90>.

²¹- Ministère du Commerce. (n.d.). Fonds Spécial pour la Promotion des Exportations (FSPE). commerce.gov.dz.

marketing their dates under well-known Algerian brand names. Algeria is seeking to penetrate new international markets²².

Second: the Numidia olive oil brand

Launched in 2008, the Numidia olive oil brand has expanded in France since 2019 and has plans to expand into Spain and Belgium in the future. It recently won a gold medal at the Olio Nuovo Days competition in Paris in 2023²³.

Third: Condor Electronics Company

Condor Electronics is an Algerian company, founded in 2002 and affiliated with the Benhamadi Industrial Group. It is one of the leading private companies in Algeria and North Africa in the fields of electronics, home appliances, and information technology²⁴.

As part of its international expansion plan, Condor is forming a strategic partnership with the Chinese company Hisense with the aim of manufacturing home appliances for export to African markets, including Egypt and Tunisia.

Section Two: Requirements for the Internationalisation of the National Brand

In Algeria, the internationalisation of the national brand necessitates legal protection through registration as an international trademark under the Madrid Agreement, ensuring ownership and preventing counterfeiting or exploitation. Another key requirement is adherence to export procedures, including obtaining conformity certificates and internationally recognised health analyses.

Companies face challenges such as the complexity of administrative procedures and the lack of effective support in the field of industrial property protection abroad. I will therefore divide this section into two subsections: the first will focus on the Algerian legal framework for protecting the internationalisation of the brand, while the second will discuss the essential procedures for internationalising the brand.

Subsection One: The Algerian Legal Framework for Protecting the Internationalisation of the Brand

The Algerian legal framework for protecting the internationalisation of brands is an important legal basis, supported by Algeria's accession to international agreements such as the Madrid and Paris conventions. However, practical implementation faces challenges such as slow procedures and low legal awareness. There is also insufficient support for technical and legal assistance to businesses. Therefore, this framework requires strengthening and activation to ensure effective protection for Algerian brands in global markets through an appropriate national legal system (Branch One) and its relationship with international legislation (Branch Two).

Branch One: The National Legal System

In this section, I will focus on analysing the Trademark Law (Ordinance 03-06) and the role of the National Institute of Industrial Property (INAPI) in registering trademarks and providing protection.

First: Trademark Law (Ordinance 03-06)

²²- Article published on the site: <https://www.aps.dz/ar/regions/144839-2023-06-03-12-46-13>.

²³- Physico-chemical and sensory evaluation of virgin olive oils from several Algerian olive-growing regions', 6 December 2021. Article available at: <https://doi.org/10.1051/ocl/2021044>.

²⁴- Condor Group to expand its reach: Products set to enter Arab Gulf and African markets', Dzair Tube, 19 July 2003, <https://www.dzair-tube.dz/en/condor-group-to-expand-its-reach-products-set-to>.

Ordinance No. 03-06, dated 19 July 2003, provides comprehensive²⁵ legal protection for trademarks and guarantees the owner a range of essential rights. These rights include the exclusive right to use the brand to distinguish their products or services, and the right to prevent others from using any similar or identical brand that could cause consumer confusion²⁶.

The law also guarantees the owner the right to take legal action in the event of any infringement of their trademark, whether related to counterfeiting or unauthorised use, and to claim civil damages and file a lawsuit²⁷.

Furthermore, the trademark owner has the right to manage the trademark, either by transferring ownership or by granting licences for its exploitation, provided this is registered with the National Institute of Industrial Property (INAPI)²⁸.

Second: the role of the National Institute of Industrial Property (INAPI) in registering trademarks and granting protection.

The Algerian National Institute of Industrial Property (INAPI) is a public institution with industrial and commercial characteristics. It enjoys legal personality and financial independence. INAPI replaced the Algerian Institute for Industrial Standardisation and Industrial Property with regard to activities relating to inventions, and took over from the National Commercial Centre with regard to activities relating to trademarks, designs, industrial models, and geographical indications²⁹.

First: Receiving Registration Applications

The National Institute of Industrial Property (INAPI) receives trademark registration applications from individuals and businesses. These applications must contain accurate information regarding the applicant's identity, the trademark's form, and the products or services' classification according to the Nice International Classification³⁰.

Secondly, the applications are examined.

The National Institute of Industrial Property conducts a formal examination to ensure that the documents and conditions are met. This is followed by a substantive examination to verify that the trademark is not deceptive or contrary to public order and does not resemble previously registered trademarks³¹.

Third: Publication of the trademark in the Official Bulletin

If the application is initially accepted, the trademark will be published in the official industrial property bulletin, allowing others to submit objections within the legally permitted timeframe³².

Fourth: Granting the Trademark Registration Certificate

²⁵- Order No. 03-06, dated 19 July 2003, concerning trademarks (Official Gazette of the People's Democratic Republic of Algeria, No. 44, issued 23 July 2003).

²⁶- Article 2 of Order 03-06 and Article 3 of Executive Decree 05/277, dated 2 August 2005 (Official Gazette No. 54, dated 7 August 2005), amended and supplemented by Executive Decree 08/346, dated 26 October 2008, specifies the procedure for filing and registering trademarks.

Voir également : Nadia Zouani, « Rôle de l'ONDA et de l'INAPI dans la protection de la propriété intellectuelle », Revue algérienne des sciences juridiques et politiques, vol. 59, n° 3, 2022, p. 50-70.

²⁷- Articles 28 à 33 de l'ordonnance n° 03-06 concernant les marques, susmentionnées.

²⁸- Articles 5 et 14 du même décret.

²⁹- Article 10 du décret exécutif n° 98-68 du 21 février 1998, portant création de l'Institut national algérien de la propriété industrielle et fixant ses statuts, publié au Journal officiel n° 11 du 1^{er} mars 1998, p. 23.

³⁰- Articles 3 à 9 de l'ordonnance 05/277, précitée.

³¹- Articles 10, 11 et 12 de l'exécutif 05/277, précité.

³²- Articles 29, 30 du même décret.

The institute grants a trademark registration certificate, giving the owner the exclusive right to use the trademark for a period of ten years, renewable thereafter³³.

Fifth: Renewal of protection

The trademark owner can request renewal of legal protection before the ten-year period expires. The renewal procedures are relatively straightforward, and must comply with the provisions of Articles 17 and 20 of Executive Decree 05/277³⁴.

Branch Two: The Relationship with International Legislation

In this section, I will first examine the international legislation that regulates trademark protection, and then consider the impact of these agreements on the possibility of registering Algerian trademarks internationally.

First: International Legislation Regulating Trademark Protection

Several international agreements govern the protection of trademarks across borders. These include the Paris Convention for the Protection of Industrial Property (1883), the Madrid Agreement for the International Registration of Marks (1891) and its Protocol (1989), and the TRIPS Agreement (1994).

1. The Paris Convention for the Protection of Industrial Property (1883)

The Paris Convention of 1883 is the cornerstone of the international system for the protection of industrial property. It established the 'Paris Union', comprising contracting states, and provides legal protection for their nationals concerning various forms of industrial property, including trademarks.

This protection covers patents, utility models, industrial designs, trademarks, service marks and trade names, as well as geographical indications and the fight against unfair competition³⁵.

The Paris Convention is based on three core principles:

1. The principle of national treatment: This principle requires member states to grant foreign nationals the same protection as their own citizens³⁶.
2. The principle of priority: This allows applicants to retain the filing date of their first application when filing in other countries within a specified timeframe³⁷.
3. The principle of regional independence of rights: As stated in Article 4bis, this ensures that the decision to grant or refuse industrial rights in one country does not affect those accrued in another.

Together, these principles contribute³⁸ to achieving an integrated and effective international protection environment for trademarks.

2. Madrid Agreement for the International Registration of Marks (1891).

³³- Article 5 of Ordinance No. 03-06 relating to trademarks, mentioned above, and Article 16 of Order No. 05-277, mentioned above;

³⁴- Article 21 of the same decree

³⁵- Selon l'article 1 de la convention de Paris, disponible à l'adresse : <https://www.wipo.int/wipolex/ar/treaties/textdetails/12633>.

³⁶- Article 2/1 de la même convention.

³⁷- Article 4 de la même convention.

³⁸- Louise J. Duncan, « The Key Historical Influences Leading to the Paris Convention for the Protection of Industrial Property of 1883 », Intellectual Property and the Law of Nations, 1860-1920, Brill | Nijhoff, 2022, p. 15-54.

The Madrid Agreement (1891) and its 1989³⁹ Protocol provide a comprehensive international framework for cross-border trademark protection, managed by the World Intellectual Property Organization (WIPO). This system enables trademark owners to submit a unified international application in one language with standardised fees, allowing them to extend the protection of their trademarks in multiple member countries without having to file separate applications in each one. Compared to the original agreement, the Protocol offers greater flexibility, allowing registration based on a national application under examination, rather than only on an existing registration. The aim is to simplify administrative procedures and reduce costs, thereby enhancing the global presence of trademarks⁴⁰.

3. TRIPS Agreement (1994)

The TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement is an international agreement adopted under the World Trade Organization (WTO) in 1994⁴¹ as part of the Uruguay Round Agreements. It aims to provide effective protection for intellectual property rights, including trademarks, by imposing uniform minimum standards among member countries. Under TRIPS, countries must provide legal protection for intellectual property rights, specify the duration of protection and ensure effective enforcement procedures. The agreement also establishes dispute resolution mechanisms among member states to ensure compliance with the specified standards. TRIPS is considered a significant step towards harmonising intellectual property protection rules internationally and enhancing global trade⁴².

Second: the impact of these agreements on the possibility of registering Algerian trademarks internationally.

It is essential to clarify the legal protection mechanisms and how to address violations and counterfeiting in international markets.

1. Mechanisms of legal protection:

International agreements such as the Paris Convention, the Madrid Agreement and the TRIPS Agreement have had a direct and positive impact on the possibility of registering Algerian trademarks internationally. Following Algeria's accession to these agreements, national trademark owners can expand their brand protection beyond borders through a unified and straightforward system, particularly via the Madrid system for international registration. This system enables a single application to be submitted in one language, detailing the countries in which protection is sought, thereby reducing costs and saving time.

These agreements also guarantee a legal protection period of up to ten years, which is renewable indefinitely provided the necessary procedures are completed within the specified deadlines. They also enable beneficiaries to file appeals and objections against contested registrations, offering effective legal protection for commercial rights⁴³.

2. How to address violations and counterfeiting in international markets:

³⁹- Algeria acceded to the Madrid Protocol concerning the international registration of marks, adopted in Madrid on 27 June 1989, on 3 October 2006 and 12 November 2007, under Presidential Decree No. 13-420 dated 15 December 2013.

⁴⁰- Guide to the International Registration of Marks under the Madrid Agreement and the Madrid Protocol, World Intellectual Property Organization (WIPO) Publication No. 455(E), 2009, pp. 1-50.

⁴¹- World Trade Organization. 'Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)'. 1996, pp. 1-9, available at: https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm.

⁴²- Dominique Guellec and Bruno Van Pottelsberghe de la Potterie, 'Propriété intellectuelle et innovation: L'Accord ADPIC (TRIPS)', Paris: Éditions Economica, 2013, pp. 51-54.

⁴³- Dominique Guellec and Bruno van Pottelsberghe. Propriété intellectuelle et innovation. Paris: Éditions Economica, 2013, pp. 48-52.

See also: WIPO. Guide to the International Registration of Marks under the Madrid System. Geneva: World Intellectual Property Organization, 2022, pp. 10-25. (wipo.int).

The TRIPS Agreement has strengthened the international legal framework for protecting trademarks against infringements in foreign markets⁴⁴. It obliges WTO member countries to provide effective legal means, both judicially and administratively, to enforce intellectual property rights. These measures include precautionary actions such as halting infringements, seizing counterfeit products and preventing them from entering the country via customs control.

Thanks to this system, owners of registered Algerian trademarks can take legal action to protect their brands in the markets in which they operate. These agreements facilitate registration and ensure effective protection and legal deterrence against infringers, thereby enhancing the competitiveness of Algerian products in international markets⁴⁵.

Subsection Two: Essential Procedures for the Internationalisation of the Brand

This subsection outlines the practical and organisational steps that Algerian institutions must take to internationalise their brands.

Branch One: Legal and Administrative Procedures

Registering a trademark gives the owner exclusive rights to use it, distinguishing their products or services from others. This is a crucial step in protecting industrial property at national and international levels. In Algeria, this registration is conducted through the National Institute of Industrial Property (INAPI), in accordance with the provisions of Ordinance 03-06 concerning trademarks.

First: National registration

The legal process for protecting the trademark begins with submitting a national registration application that includes:

- The name and trade status of the applicant
- a representation of the trademark and its intended use
- A list of goods or services to be covered.

Following formal and substantive examination, the trademark is registered for an initial period of 10 years, which is renewable. The owner is granted a registration certificate, which can later be used as the basis for international registration⁴⁶.

Second: international registration via the Madrid System.

Once national registration has been obtained or an application submitted, trademark owners can use the Madrid System for international registration via the World Intellectual Property Organization (WIPO). This system enables a single application in either French or English to be used to select multiple countries in which the owner wishes to protect their trademark, eliminating the need to file separate applications in each country.

Applications are reviewed internationally in two stages:⁴⁷

1. Administrative examination by WIPO

⁴⁴- Correa, Carlos M., "Trade-Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement. Oxford: Oxford University Press, 2020, pp. 105–120.

⁴⁵- WTO. TRIPS Agreement – Part III: Enforcement of Intellectual Property Rights. Geneva: WTO Publications, 2023. (wto.org).

⁴⁶- Dominique Guellec and Bruno van Pottelsberghe. Propriété intellectuelle et innovation. Paris: Éditions Economica, 2013, pp. 48–60.

⁴⁷- WIPO. Making the Most of the Madrid System: A Practical Guide. Geneva: World Intellectual Property Organization, 2021, pp. 3–15.

2. Forwarding the application to the trademark offices in the selected countries for examination according to their domestic laws.

Third: supporting documents and technical requirements.

To enhance the chances of acceptance, the application must be accompanied by documents supporting the product's compliance with local and international laws. Examples include:⁴⁸

- Certificates of conformity with specifications or health standards
- a detailed description of the product and its packaging;
- Certificates from regulatory bodies such as the U.S. FDA or the European EFSA.

Fourth: Effects of registration

Registration grants the trademark owner exclusive rights, including:

- The right to prevent others from using a similar or identical mark
- the right to challenge subsequent registrations
- The right to manage the trademark (e.g. by pledging, licensing or transferring it).

Additionally, registration is a prerequisite for taking legal action against counterfeiting or infringement in national courts or through the international intellectual property enforcement mechanisms established under the TRIPS Agreement⁴⁹.

Branch Two: Marketing Protection Procedures

In this branch, I will first discuss registering the trademark with relevant foreign authorities, and then monitor the market and address attempts at counterfeiting.

First: Registering the trademark with relevant foreign authorities

After registering the trademark at national and international levels via the Madrid System, it is essential to register the trademark with the relevant foreign authorities responsible for monitoring product entry into the market⁵⁰, particularly in countries with strict regulatory systems.

For instance, marketing a product in the European Union typically necessitates registration with the European Union Intellectual Property Office (EUIPO), whereas in the United States, registration with the United States Patent and Trademark Office (USPTO) is mandatory.

Registration not only protects the trademark from counterfeiting, but is also a prerequisite for the legal acceptance of the product in some markets, particularly in sectors related to food, pharmaceuticals and cosmetics. Additionally, registration with these authorities gives the trademark official legal status, which can be invoked in judicial or administrative proceedings⁵¹.

Second: market monitoring and addressing attempts at counterfeiting.

⁴⁸- Correa, Carlos M., "Trade-Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement. Oxford University Press, 2020, pp. 104–110.

⁴⁹- Van Caeneghem, William. Intellectual and Industrial Property Law. Cambridge University Press, 2019, pp. 185–197.

⁵⁰- WIPO. Enforcement of Intellectual Property Rights: A Practical Guide. Geneva: WIPO, 2021, pp. 35–60. <https://www.wipo.int/>.

⁵¹- WIPO (World Intellectual Property Organization). (2022). Guide to the International Registration of Marks under the Madrid System. Geneva: WIPO. Available at: https://www.wipo.int/edocs/pubdocs/en/wipo_pub_455_2022.pdf.

Registering the trademark alone is not sufficient for its protection. It must be accompanied by an active market monitoring mechanism for the relevant markets, known as legal monitoring. This process includes:⁵²

- Monitoring international databases to detect similar registrations using tools such as the Global Brand Database (WIPO).
- Observing retail stores and online platforms to identify counterfeit products.
- Collaborating with local law firms in foreign countries to immediately object to suspicious registrations or initiate counterfeiting lawsuits.

The trademark owner can also submit requests to customs authorities in those countries to prevent the import of suspected counterfeit goods, in accordance with Article 51 of the TRIPS Agreement.

These actions are essential components of a comprehensive international marketing strategy that not only ensures the brand's reputation is maintained, but also achieves a competitive advantage in global markets⁵³.

Conclusion:

The internationalisation of national trademarks is no longer an option reserved for large corporations; it has become a strategic necessity imposed by open markets and the competitive global economy. In the context of the rapid pace of globalisation and the growing challenges related to counterfeiting and piracy, safeguarding the trademark and broadening its geographical reach is essential for ensuring the continuity of the enterprise and strengthening its international standing.

In this context, the national trademark should be viewed as a sovereign tool capable of playing dual economic and cultural roles: supporting exports and attracting investment, and reflecting the quality, values and identity of Algerian products. Therefore, adopting a comprehensive national vision for trademark internationalisation is a strategic responsibility that contributes to Algeria's solidification of its position in the global economy, transforming the trademark into an ambassador that distinguishes the nation abroad.

Results:

The internationalisation of the national trademark is no longer merely a commercial option; it is a strategic way to make Algerian products more competitive in global markets.

The study revealed the existence of a comprehensive international legal system (such as the Madrid and TRIPS Agreements) that allows for trademark protection beyond borders. However, the benefits at the national level remain limited.

Data showed that Algerian enterprises face technical and procedural challenges when attempting to enter foreign markets.

The trademark plays a dual role: it serves as the product's economic identity while also acting as a cultural promotional tool for the country of origin, providing an indirect means of economic diplomacy.

Recommendations:

1. Adopt a unified national policy for trademark internationalisation: This should include training for human resources and updating national legislation to bring it more in line with international agreements.

⁵²- World Trade Organization (WTO). TRIPS Agreement – Part III: Enforcement, Geneva: WTO, 2023, articles 41–61, available at: <https://www.wto.org>.

⁵³- Bently, Lionel and Sherman, Brad. Intellectual Property Law, 5th edition, Oxford University Press, 2022, pp. 921–940.

2. Enhance the role of supporting institutions: Entities such as INAPI should be strengthened and electronic platforms developed to help trademark owners understand the steps involved in international registration and track their applications.
3. Encourage small and medium-sized enterprises (SMEs): Provide SMEs with financial and technical support to help them protect their trademarks internationally as part of national innovation and export programmes.
4. Launch awareness and training campaigns: Raise awareness of the economic and cultural importance of trademarks, targeting universities, business incubators and exporters.
5. Activate the role of Algerian diplomatic missions abroad: Provide legal and marketing support for national trademark owners in international markets.
6. Integrate the national trademark into economic diplomacy: Present it as a soft power tool to enhance Algeria's image and promote its products across various sectors.

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