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Functional Integration between the Protection of Industrial Property Rights and the Achievement of the Economic Dimension of Sustainable Development in Algerian Legislation

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Abstract

Industrial property rights constitute a fundamental legal framework for transforming innovation into sustainable economic value within the national economy. Algerian legislation is based on an integrated system that combines preventive administrative protection with judicial deterrent protection. Administrative protection operates through filing, examination, publication, and the determination of protection periods. Judicial protection operates through infringement actions, unfair competition claims, and provisional measures. This integration contributes to market regulation, the consolidation of fair competition, and the protection of enterprises' intangible assets. Legal protection also strengthens the competitiveness of economic actors. It supports investment attraction and technology transfer in line with the transition toward a knowledge-based economy. Industrial property therefore represents a strategic instrument for economic diversification beyond the hydrocarbon sector and for linking economic growth with the dimensions of sustainable development. This requires continued development of the legislative framework to ensure its effectiveness and continuity.

Keywords: Industrial Property; Sustainable Development; Algerian Legislation; Innovation; National Economy.

Introduction

Industrial property rights are among the main pillars of the modern economy. They provide the legal framework that transforms creativity and innovation from abstract ideas into intangible assets with significant economic and competitive value. As global economic transformations accelerate, these rights have moved beyond their traditional function of providing legal protection to inventors and trademark owners. They have become strategic instruments on which states rely to support economic growth and achieve sustainable development based on innovation and continuity.

The Algerian legislature recognised at an early stage that integration into the global economic system, together with the transition from a rentier economy dependent on hydrocarbons to a diversified and productive economy, necessarily requires a secure and enabling legal environment. Such an environment is intended to reassure investors and innovators that the products of their intellectual effort are protected against all forms of infringement and counterfeiting. This approach is reflected in the adoption of an extensive body of specialised legal texts governing the various fields of industrial property, including patents, trademarks, and industrial designs and models.

The essence of this legislative approach lies in what may be termed 'functional integration'. Legal rules are not intended to provide protection as an end in itself. Rather, they are intended to serve as a driver of the economic dimension of sustainable development. Strong legal protection creates the appropriate climate for attracting foreign investment, transferring modern technology, and strengthening the competitiveness of national enterprises in international markets. Ultimately, this contributes to building a strong national industry capable of meeting present needs without compromising the rights of future generations.

This integration nevertheless raises a central issue concerning the effectiveness of the legal mechanisms established by the Algerian legislature. The question is whether these mechanisms successfully reconcile the exclusive right granted to the right holder with the collective requirements of sustainable economic development. This issue is particularly important in light of the challenges posed by globalisation, artificial intelligence, and rapid technological growth.

On this basis, the research problem is expressed in the following main question:

To what extent has Algerian legislation, through its legal mechanisms for protecting industrial property, succeeded in achieving functional integration that serves the economic dimensions of sustainable development?

To answer this question, the study is divided into two parts:

Part One: Legal Mechanisms for the Protection of Industrial Property Rights in Algerian Legislation

Part Two: The Economic Implications of Industrial Property Protection for Achieving Sustainable Development Goals

Part One: Legal Mechanisms for the Protection of Industrial Property Rights in Algerian Legislation

The legal dimension is the main foundation of the industrial property system. Rights arising from innovation and commercial distinctiveness remain intangible ideas unless the legislature surrounds them with legal protection that guarantees their owners the exclusive enjoyment of their benefits. In this respect, the Algerian legislature has adopted a dual approach. It combines administrative and preventive protection, which precedes and accompanies the creation of the right, with judicial and deterrent protection, which intervenes to suppress any infringement of those rights. This legal process is not an end in itself. It is a means of regulating the market and ensuring fair competition. It thereby creates a stable legal environment that advances economic development toward sustainability. The discussion below first addresses administrative protection of industrial property and then judicial protection.

First: Administrative and Preventive Protection of Industrial Property

Administrative and preventive protection constitutes the first line of defence in the industrial property system. It seeks to establish rights before any dispute arises. In Algerian legislation, this protection is based on procedural legal rules that govern the creation of the right and its official recognition. It also relies on the central role of the public bodies entrusted by the legislature with regulation and supervision.

This protection is not limited to registration. It also extends to preventive measures that protect the market from fraud and confusion. This provides a solid basis for the secure and sustainable economic exploitation of these rights.

1. Legal Procedures for Establishing Protection of Industrial Property Rights

Legal protection of industrial property in Algeria is based on the principle of constitutive filing, under which filing gives rise to the right. Filing is a fundamental procedure that moves the innovation from secrecy into a sphere of legally protected disclosure. The process consists of a series of procedural steps precisely defined by the legislature. It begins with filing an application for protection before the competent authority. The application must contain all technical and descriptive information required to distinguish the right for which protection is sought, whether it concerns a patent, a trademark, or an industrial design or model¹. Filing constitutes the cornerstone of protection. It gives its holder priority over third parties and prevents attempts to appropriate intellectual effort without legal entitlement².

After filing, applications for industrial property protection undergo administrative and technical examination. This is a fundamental preventive stage in establishing legal protection. Its purpose is to verify that the right for which protection is sought satisfies the substantive conditions laid down by law, thereby ensuring the seriousness and legitimacy of the protection. In the field of patents, examination focuses on novelty, inventive step, and the absence of prior disclosure of the invention. In the field of trademarks, it focuses on distinctiveness and the absence of any likelihood of deception or confusion among the public. This stage prevents protection from being granted to rights that do not meet the legal requirements. It therefore contributes to transactional stability, market protection, and confidence in the industrial property system³.

This examination acts as a safeguard against the accumulation of fictitious rights and against the protection of innovations that do not meet the standards of industrial property. It ensures that the protection granted genuinely serves the national economy and contributes to sustainable development by encouraging genuine innovation⁴.

Once the application is accepted, the procedure moves to publication and registration. This step informs the public of the existence of the right and allows third parties to object if it affects their prior rights. Such legal publicity provides transparency in commercial and industrial transactions and reduces future litigation⁵. These procedures culminate in the grant of a protection title. This is the sole legal document that proves ownership of the right. It gives the holder the power to exploit the right exclusively and to prevent third parties from using it without authorisation. This reflects the integration between the legal rule and the economic function of the right⁶.

The Algerian legislature has not made this protection perpetual. It has limited protection to specific periods that vary according to the nature of the right. A patent is protected for twenty years, while a trademark is protected for ten years

¹ See, for example, Executive Decree No. 05-277 of 2 August 2005 laying down the procedures for filing and registering trademarks, Official Gazette No. 54 of 7 August 2005.

² Saïd Chaabane, 'International and National Protection of Industrial Property Rights: Patents and Trademarks as a Model', doctoral thesis in Business Law, Faculty of Law and Political Science, University of Batna 1, Algeria, 2023/2024, p. 142.

³ Ordinance No. 03-06 of 19 July 2003 on Trademarks, Official Gazette No. 44 of 23 July 2003.

⁴ Rafika Belmardassi, 'The Multiple Forms of Legal Protection for Industrial Property Rights under Algerian Law', *Comprehensive Journal of Law*, vol. 3, no. 1, Algeria, 2023, p. 34.

⁵ See Executive Decree No. 05-275 of 2 August 2005 laying down the procedures for filing and granting patents, Official Gazette No. 54 of 7 August 2005.

⁶ Atika Beljbel, 'Legal Mechanisms for the Protection of Intellectual Property under Algerian Law', *Journal of Humanities*, no. 47, Algeria, June 2017, p. 115.

and may be renewed. This limitation seeks to balance the innovator's interest in enjoying the fruits of their effort with society's interest in accessing knowledge after a specified period. It thereby supports the continuity of technological development¹.

The legislature has also adopted a system of annual fees as a legal mechanism for verifying the right holder's seriousness in maintaining and actually exploiting the innovation. Failure to pay these fees within the legally prescribed time limits results in the lapse of protection and the termination of its legal effects. The invention then enters the public domain and may be freely exploited by others. This arrangement encourages right holders to make genuine use of inventions rather than merely reserve them without economic exploitation. It therefore contributes to integrating innovations into the economic cycle and to their effective and sustainable use².

2. The Role of Public Institutions and Authorities in Regulating and Protecting Industrial Property

The Algerian legislature has not confined industrial property protection to substantive and procedural rules. It has also created a specialised institutional structure responsible for implementing that protection in practice. The Algerian National Institute of Industrial Property (INAPI) stands at the forefront of these bodies as a public institution of an industrial and commercial nature³. It performs a central role from receiving filing applications to granting protection titles. It therefore acts as the legal guardian of national innovations⁴. Its role is not limited to purely administrative functions. It also provides technical expertise and advice to innovators and enterprises. This contributes to improving the quality of national innovations and strengthening their position in the market⁵.

In addition, INAPI plays a vital role in disseminating legal and technical knowledge relating to industrial property. It does so by establishing information databases through which available technologies are made accessible to researchers and economic enterprises. This directly serves the economic dimension of sustainable development by encouraging investment in research and development⁶.

This regulatory role of INAPI prevents conflicts between rights and protects consumers from deception. The Institute is the official reference for verifying the legality of the use of trademarks and patents in Algerian industrial and commercial activity⁷.

Alongside INAPI, other public bodies contribute to preventive protection. Foremost among them is the Customs Administration, to which the legislature has granted broad powers of border control⁸. These powers include the authority to intervene ex officio or at the request of the right holder in order to suspend the release of goods suspected of being counterfeit or of infringing industrial property rights⁹.

This institutional coordination between administrative and supervisory bodies seeks to build a strong barrier against counterfeit goods. Such goods harm not only the right holder. Their adverse effects also extend to the national economy and public health, which is inconsistent with the principles of sustainable development¹⁰.

The role of the Directorates of Commerce and the anti-fraud services must also be recognised. Within the framework of domestic market surveillance, they track products bearing counterfeit trademarks or copied designs¹¹.

This shared regulatory role reflects the Algerian legislature's integrated vision of industrial property protection. These bodies are transformed from mere offices for registering documents into economic mechanisms that preserve market stability and ensure the integrity of transactions. This provides a strong incentive for attracting foreign investment, since investors consistently seek an institutional environment that strictly protects their intellectual and industrial property rights¹².

¹ Saïd Chaabane, previously cited work, p. 156.

² Amal Zaidi, 'A Critical Study of the Legal Regulation of Industrial Property Rights under Algerian Law', *Abhath Journal*, vol. 8, no. 1, Algeria, 2023, p. 72.

³ Executive Decree No. 98-68 of 21 February 1998 establishing the National Institute of Industrial Property, *Official Gazette* No. 11 of 1998.

⁴ Tayeb Aidi and Oum El-Kheir El-Aggoun, 'The Role of Algerian Industrial Enterprises in Achieving Economic Development', *Forum Journal for Economic Studies and Research*, vol. 5, no. 1, Algeria, 2021, p. 88.

⁵ Amal Zaidi, previously cited work, p. 64.

⁶ Nabia Boubekeur, 'The Economic Dimensions of Exploiting Industrial Property Rights', *Al-Manar Journal for Legal and Political Research and Studies*, no. 2, Algeria, September 2017, p. 42.

⁷ Saïd Chaabane, previously cited work, p. 168.

⁸ Law No. 79-07 of 21 July 1979 containing the Customs Code, *Official Gazette* No. 30 of 24 July 1979, as amended and supplemented by Law No. 98-10 of 22 August 1998, *Official Gazette* No. 61 of 23 August 1998, and by Law No. 17-04 of 16 February 2017, *Official Gazette* No. 11 of 19 February 2017.

⁹ Iman Tarchoun, 'Protection of Industrial Property Rights against Infringement', doctoral thesis in Intellectual Property Law, Private Law, Faculty of Law, University of Algiers 1, Algeria, 2024/2025, p. 110.

¹⁰ Rafika Belmardassi, previously cited work, p. 47.

¹¹ Law No. 09-03 of 25 February 2009 on Consumer Protection and the Suppression of Fraud, *Official Gazette* No. 15 of 8 March 2009, as amended and supplemented by Law No. 18-09 of 10 June 2018, *Official Gazette* No. 35 of 13 June 2018.

¹² Mustapha Ben Amina, 'Industrial Property Rights in Algeria and Their Role in Building a Strong National Industry', *Journal of Law and Human Sciences*, vol. 16, no. 3, Algeria, 2023, p. 55.

Second: Judicial and Deterrent Protection of Industrial Property

Judicial and deterrent protection represents the punitive dimension of the system for protecting industrial property rights. At this stage, the law moves from regulation to enforcement and suppression of any infringement of legally recognised rights. Administrative protection grants the legal title, while the judiciary ensures that this title is respected in practice. In Algerian legislation, the importance of this protection lies in providing the right holder with procedural and substantive mechanisms to stop the infringement and obtain fair compensation. It also allows criminal penalties to be imposed on infringers. The purpose of this judicial strictness is to consolidate confidence in the investment climate. It also ensures that industrial property rights do not become merely theoretical provisions without enforcement mechanisms. Judicial protection therefore acts as a safeguard for the continuity of innovation and the achievement of economic sustainability.

1. Substantive Rules for Claiming Judicial Protection of Industrial Property

The effectiveness of judicial protection of industrial property in Algerian legislation depends on the right holder's ability to access the courts through specialised legal actions. Foremost among these is the infringement action. This action is the principal substantive remedy for suppressing direct infringement of the exclusive right, whether through the production, sale, or offering of goods that infringe a patent or a registered trademark¹. For the action to be admissible on the merits, there must be a valid industrial property right that is in force and registered with the competent authority. Judicial protection is not based on mere factual possession. It is based on the legal title issued by the Algerian National Institute of Industrial Property².

In addition, the Algerian legislature recognises the unfair competition action as a complementary mechanism for protecting industrial property. This action is based on the rules of tort liability. It seeks to protect traders and manufacturers from practices that are contrary to commercial customs and traditions³.

The integration of the infringement action and the unfair competition action provides comprehensive protection for industrial property rights. The first protects the property right itself. The second protects the economic activity associated with that right against deception and confusion caused by competitors⁴. This diversity of judicial protection reflects the legislature's intention to create a fair competitive environment that supports the sustainability of enterprises and prevents the erosion of their intangible assets.

Within the substantive rules, the Algerian judiciary bears the responsibility of assessing the elements of infringement. In trademark disputes, for example, the focus is on the likelihood of misleading the ordinary consumer. In patent disputes, the focus is on similarity in the essential elements of the invention⁵.

The accuracy of this legal characterisation determines the amount of fair compensation due to the injured party. Compensation includes not only the loss actually suffered but also the lost profit resulting from the unauthorised exploitation of the right by another person. This contributes to repairing the economic harm and restoring balance to the innovator's financial position⁶.

The substantive dimension of protection also includes criminal liability. The legislature did not limit its intervention to civil compensation for the damage suffered by the right holder. It extended protection by imposing criminal penalties on perpetrators of infringement, including custodial sentences and substantial fines. This approach reflects the legislature's intention to give the industrial property protection system a deterrent and strict character. It thereby reduces infringements and strengthens respect for exclusive rights in economic transactions⁷.

The punitive character of industrial property protection is intended to deter potential infringers and protect the national economy from the circulation of fraudulent and counterfeit goods. Such goods damage the reputation of national industry and obstruct sustainable development based on quality and genuine innovation⁸.

2. Effectiveness of Provisional Measures in Securing Industrial Property Rights against Infringement

Given the special nature of industrial property rights and the ease with which counterfeit products can circulate and be marketed, the Algerian legislature has established an exceptional procedural system consisting of provisional measures. These measures provide urgent and temporary protection to the right holder before a decision is rendered on the merits. Their purpose is to prevent the aggravation of damage or the loss of evidence of the offence⁹. The procedure for describing the alleged infringement and provisional seizure are among the principal measures. The law authorises the competent judge to order these measures at the request of the right holder by means of an *ex parte* order characterised by speed and surprise, in order to ensure its effectiveness¹⁰.

¹ Iman Tarchoun, previously cited work, p. 145.

² Rafika Belmardassi, same source, p. 52.

³ Al-Samei Haddaq, 'Provisional Protection of Industrial Property Rights under Algerian Law', *Journal of Legal and Political Thought*, vol. 6, no. 1, Algeria, 2022, p. 28.

⁴ Atika Beljbel, previously cited work, p. 134.

⁵ Amal Zaidi, previously cited work, p. 112.

⁶ Saïd Chaabane, previously cited work, p. 210.

⁷ See Ordinance No. 03-07 of 19 July 2003 on Patents, Official Gazette No. 44, 2003.

⁸ Saad Laglib, 'The Contribution of Industrial Property Rights to Economic Development', *Al-Wahat Journal for Research and Studies*, vol. 14, no. 2, Algeria, 2021, p. 41.

⁹ Al-Samei Haddaq, previously cited work, p. 45.

¹⁰ Iman Tarchoun, *Protection of Industrial Property Rights against Infringement*, p. 162.

The importance of these measures lies in their ability to freeze the infringement. Provisional seizure places counterfeit goods, or the tools used in the infringement, under judicial control. This prevents their continued placement on the market and prevents serious economic losses to the original right holder¹.

This mechanism contributes to functional integration because it prevents a decline in the economic value of the innovation. It also ensures that a final judgment awarding compensation can be effectively enforced against existing and identifiable assets or goods². The legislature has also provided for the possibility of placing the infringing enterprise under judicial sequestration or temporarily preventing it from carrying on its activity as a precautionary measure designed to protect commercial integrity³.

The legislature has also sought to establish a balance between the rights of the claimant and those of the defendant. A right holder who obtains an order for description or seizure must bring the main action, namely the infringement action, within the short time limits prescribed by law. Otherwise, those measures are deemed never to have existed⁴.

This procedural balance prevents abuse of the right to litigate. It also ensures that provisional measures are not transformed into a means of obstructing honest competitors. This contributes to the stability of economic transactions⁵.

The effectiveness of these measures in Algerian legislation is a strong indicator of the seriousness of legal protection. It reassures investors and patent owners that rapid deterrent mechanisms exist and are ready to protect their knowledge-based investments⁶.

Part Two: The Economic Implications of Industrial Property Protection for Achieving Sustainable Development Goals

If legal protection of industrial property is the means, the economic dimension of sustainable development is the intended objective of this legislative system. The relationship between the two is therefore not one of separation but of vital functional integration. Sustainable economic development cannot be envisaged without a legal system that protects innovation and encourages investment. This part examines how legal rules can be transformed into economic drivers that contribute to building national wealth based on knowledge. It also examines how the effective use of patents and trademarks can strengthen the competitiveness of Algerian enterprises and ensure the long-term welfare of society, in line with Algeria's new economic vision.

First: The Impact of Industrial Property Protection on the Structure of the National Economy

Establishing a strong legal system for industrial property protection in Algeria is not merely a regulatory measure. It is a strategic choice aimed at reshaping the national economy and transforming it from an economy dependent on natural resources into one based on knowledge and innovation. The importance of this protection lies in its ability to create a stable and enabling economic environment. Such an environment allows both national and foreign enterprises to exploit their intangible assets securely. By safeguarding the exclusive rights of innovators and manufacturers, the legislature contributes to building a strong industrial base capable of withstanding international competition. This has a positive effect on economic growth indicators and lays the foundations for sustainable development based on quality and qualitative excellence, rather than quantity alone.

1. The Contribution of Industrial Property to Supporting Competitiveness and Developing Economic Enterprises

Industrial property is a fundamental driver of the competitiveness of Algerian economic enterprises. Legal protection of trademarks and patents allows an enterprise to distinguish itself in a market crowded with competitors. A protected trademark is not merely a symbol. It is intangible capital that embodies the enterprise's reputation and the quality of its products. This creates a relationship of trust with consumers and ensures a sustainable market share⁷.

By providing mechanisms for trademark protection, the Algerian legislature gives national enterprises a legal weapon against counterfeit goods that seek to exploit their success. This preserves the competitive value of national products in relation to foreign products⁸.

Patents also play a decisive role in developing the productive structures of enterprises. An enterprise that owns protected technology can reduce production costs and improve the quality of its output. This gives it a competitive advantage that enables it to enter international markets⁹.

Legally protected technical development drives enterprises toward continuous innovation. They know that their financial and scientific efforts in research and development will not be wasted. Those efforts are protected by official titles that prevent third parties from unlawfully appropriating them. This fair competitive environment ultimately supports the sustainability of the enterprise. It allows the enterprise to move from being a temporary commercial entity to a leading institution that relies on its knowledge assets to develop its activities¹⁰.

¹ Atika Beljbel, *Legal Mechanisms for the Protection of Intellectual Property under Algerian Law*, p. 148.

² Rafika Belmardassi, previously cited work, p. 77.

³ Saïd Chaabane, previously cited work, p. 225.

⁴ Amal Zaidi, previously cited work, p. 134.

⁵ Mustapha Ben Amina, previously cited work, p. 82.

⁶ Saad Laglib, previously cited work, p. 54.

⁷ Nabia Boubekeur, previously cited work, p. 85.

⁸ Tayeb Aidi and Oum El-Kheir El-Aggoun, previously cited work, p. 112.

⁹ Mustapha Ben Amina, previously cited work, p. 118.

¹⁰ Saad Laglib, previously cited work, p. 64.

Industrial property also contributes to increasing the market value of an enterprise in its dealings with banks and in cases of merger or partnership. Protected intangible assets constitute strong forms of security for obtaining the financing required for industrial expansion¹.

The integration between legal protection and economic efficiency is reflected in an enterprise's ability to transform a patent into a commercial product that generates profits. Those profits cover research costs and permit new investment, thereby creating a positive economic cycle that serves comprehensive development². Industrial property thus becomes an indispensable strategic instrument in Algerian legislation for enabling economic enterprises to confront the challenges of globalisation and digital transformation³.

2. The Role of the Industrial Property System in Stimulating Investment and Transferring Technical Expertise

The industrial property system in Algeria is a cornerstone of the strategy for attracting both domestic and foreign investment. It acts as a legal guarantee that protects the knowledge capital introduced by the investor into the economic cycle. Investors do not seek only tax or real-estate advantages. Above all, they seek a legal environment that protects their innovations from piracy. Algerian legislation plays an incentive role by granting exclusive rights that allow investors to recover research and development costs and achieve satisfactory profit margins. This legal stability makes Algeria an attractive destination for high-value-added investment. It thereby contributes to building a diversified economy that moves beyond dependence on hydrocarbons⁴.

Alongside the attraction of investment, the industrial property system constitutes the formal and secure channel for the transfer of technology and technical expertise. Through patent licensing agreements, technical know-how is transferred from major international enterprises to Algerian enterprises. This enables national workers and Algerian engineers to gain direct exposure to the latest technological means⁵.

This interaction is not limited to the operation of machinery. It also includes acquiring modern production methods and technical management practices. This is known as technology localisation⁶. Such transfer of skills is a fundamental pillar of sustainable development because it develops national human capacities and enables them to innovate independently at later stages⁷.

In addition, the informational function of patents, through the databases of the Algerian National Institute of Industrial Property, contributes to disseminating technical knowledge available worldwide. This prevents local investors from spending resources to search for technical solutions that already exist. It directs their efforts toward developing existing solutions⁸.

This functional integration between legal protection and technology flows leads to the modernisation of the national industrial base and improves production efficiency. This has a positive effect on the quality of local products and their ability to enter global markets⁹. The industrial property system is therefore not merely an instrument of prohibition and restriction. It is a strategic instrument for stimulating comprehensive and sustainable economic development through investment and technical expertise¹⁰.

Second: Integration between Industrial Property Protection and the Dimensions of Sustainable Development

The concept of industrial property protection is no longer confined to courtrooms or patent registration offices. It has become an integral part of the major strategies adopted by states to achieve sustainable development in its three dimensions: economic, social, and environmental.

Functional integration in Algerian legislation is reflected in the use of legal rules to direct innovation toward fields that serve people and preserve resources. Sustainable development requires advanced technology, clean industries, and a continuous capacity for renewal. These objectives cannot be achieved without an industrial property system that encourages the human mind to create sustainable solutions. This part of the study shows how industrial property can move from an individual exclusive right to a strategic mechanism that serves economic diversification. It also shows how it can advance Algeria toward comprehensive development that combines material growth with responsibility toward the future of coming generations.

1. Industrial Property as a Strategic Mechanism for Achieving Sustainable Economic Diversification

Economic diversification is the cornerstone of Algeria's sustainable development strategy. Industrial property emerges as an effective legal and economic instrument for achieving this transition by encouraging investment in sectors outside hydrocarbons. Patent protection in renewable energy, modern agriculture, and pharmaceuticals gives these emerging sectors the necessary protection to grow and compete. This expands the national productive base¹¹. An investor

¹ Amal Zaidi, previously cited work, p. 152.

² Atika Beljbel, previously cited work, p. 167.

³ Saïd Chaabane, previously cited work, p. 255.

⁴ Saad Laglib, previously cited work, p. 75.

⁵ Nabia Boubekeur, previously cited work, p. 98.

⁶ Tayeb Aidi and Oum El-Kheir El-Aggoun, previously cited work, p. 124.

⁷ Mustapha Ben Amina, previously cited work, p. 130.

⁸ Amal Zaidi, previously cited work, p. 168.

⁹ Atika Beljbel, previously cited work, p. 175.

¹⁰ Saïd Chaabane, previously cited work, p. 272.

¹¹ Saad Laglib, previously cited work, p. 88.

who finds legal protection for green-technology innovations, for example, will be more willing to invest capital. This contributes to creating alternative and sustainable wealth that is not linked to fluctuations in oil prices¹.

The strategic function of industrial property is also reflected in directing innovation. Algerian legislation encourages innovators to provide technical solutions that serve manufacturing industries and self-service activities. This increases the industrial contribution to gross domestic product².

Innovation-driven diversification ensures the stability of the national economy in the face of global crises. Algerian enterprises become owners of intangible assets, including trademarks and patents, that enable them to export their services and products abroad on a sustainable basis. Industrial property thereby moves from a mere system of protection to a platform for establishing a diversified economy based on human intellect and industrial intelligence. This gives clear expression to the economic dimension of sustainable development³.

In addition, supporting start-ups and protecting their innovative ideas through the industrial property system contributes to renewing and modernising the economic fabric. These knowledge-based enterprises are the most capable of achieving sustainable development because of their flexibility and their ability to adopt non-polluting technologies⁴.

Linking legal protection with the economic diversification strategy allows the creation of new and lasting jobs and reduces unemployment. This achieves integration between the economic and social dimensions of development⁵.

Industrial property rights are therefore a fundamental pillar for ensuring the continuity of development. They provide legal protection for human effort and intellectual creativity, which are enduring resources that are not subject to depletion, unlike natural resources that are limited by consumption and time. This protection also encourages innovation and transforms it into economic value that can be invested. It thereby strengthens long-term development stability⁶.

2. Prospects for Developing Industrial Property Legislation to Meet the Requirements of Comprehensive Development

Meeting the requirements of comprehensive and sustainable development requires the Algerian legislature to continue updating the legal framework for industrial property so that it responds to rapidly evolving technological and environmental challenges. One of the first priorities is to strengthen 'green protection'. This means adopting legal provisions that grant procedural advantages and reduced fees for patents relating to the environment and clean energy. Such measures direct investment toward environmentally sustainable development⁷. It is also necessary to review the procedural time limits for granting legal titles and to implement electronic filing fully in order to reduce bureaucracy. This is consistent with the national economy's digital transformation strategy⁸.

In addition, there is a need to develop judicial mechanisms by establishing specialised courts for intellectual property disputes. These courts should include specialised judges and technical experts in order to ensure prompt decisions and accurate judgments⁹.

This legislative step will strengthen confidence in the Algerian legal system and make judicial protection a genuine deterrent against infringement. It will protect the market from poor-quality goods and encourage enterprises to innovate without fear that their efforts will be lost¹⁰.

Legislation should also move toward strengthening international cooperation by joining additional agreements that make it easier for Algerian innovators to protect their rights abroad. This will open new prospects for technology exports¹¹.

In the context of comprehensive development, the legislature should apply the compulsory licensing system more flexibly in cases involving the public interest, particularly in health and agriculture. This is necessary to balance the innovator's right with society's right of access to knowledge¹².

This balance is the essence of the sustainable development that Algeria seeks to achieve. Protection should not be an obstacle to development but a stimulus to it¹³. The prospects for legislative development therefore remain linked to the law's ability to move from a rigid instrument of regulation to a flexible mechanism of economic support. Such a framework guarantees the current generation's right to innovate and the future generation's right to a strong economy and a sustainable environment¹⁴.

Conclusion

In conclusion, the system for protecting industrial property rights in Algerian legislation is not merely a legal luxury. It is an urgent economic necessity dictated by the requirements of sustainable development. The study reveals a deep

¹ Nabia Boubekeur, previously cited work, p. 115.

² Tayeb Aidi and Oum El-Kheir El-Aggoun, previously cited work, p. 142.

³ Mustapha Ben Amina, previously cited work, p. 154.

⁴ Amal Zaidi, previously cited work, p. 182.

⁵ Atika Beljbel, previously cited work, p. 190.

⁶ Saïd Chaabane, previously cited work, p. 285.

⁷ Amal Zaidi, previously cited work, p. 210.

⁸ Al-Samei Haddaq, previously cited work, p. 92.

⁹ Iman Tarchoun, previously cited work, p. 195.

¹⁰ Rafika Belmardassi, previously cited work, p. 104.

¹¹ Saïd Chaabane, previously cited work, p. 312.

¹² Atika Beljbel, previously cited work, p. 215.

¹³ Nabia Boubekeur, previously cited work, p. 142.

¹⁴ Mustapha Ben Amina, previously cited work, p. 175.

functional integration between the legal provisions governing administrative and judicial procedures and the state's strategic objectives. Strict legal protection is the sole guarantee for attracting high-quality investment and transferring advanced technology, and it is the principal driver of the competitiveness of national enterprises in a global knowledge-based economy.

The study reached a number of findings and recommendations. Most importantly, the Algerian legislature has succeeded in establishing a procedural framework based on filing, examination, and publication, together with a judicial framework based on infringement actions and provisional measures, to protect the innovator. However, achieving sustainable development goals requires more effective use of the economic role of these rights. Registration procedures should be facilitated and digitised, and judicial specialisation in industrial property disputes should be introduced to ensure speed and effectiveness. There is also a need to direct the industrial property system toward supporting green innovations and start-ups as a strategic option for achieving the desired economic diversification beyond the hydrocarbon sector.

The real challenge for Algeria today lies in transforming the patent from a paper certificate kept in an archive into added economic value that contributes to wealth creation and employment. This can only be achieved through coordination among administrative bodies, including INAPI, the judicial system, and economic actors. Such coordination is necessary to ensure sustainable growth and the rights of future generations to a developed and competitive Algerian economy.

Sources and References

I. Legislation

1. Laws

1. Law No. 79-07 of 21 July 1979 containing the Customs Code, as amended and supplemented by Law No. 98-10 of 22 August 1998, Official Gazette No. 61; further amended and supplemented by Law No. 17-04 of 16 February 2017, Official Gazette No. 11 of 19 February 2017.
2. Law No. 09-03 of 25 February 2009 on Consumer Protection and the Suppression of Fraud, Official Gazette No. 15 of 8 March 2009, as amended and supplemented by Law No. 18-09 of 10 June 2018, Official Gazette No. 35 of 13 June 2018.

2. Ordinances

1. Ordinance No. 03-06 of 19 July 2003 on Trademarks, Official Gazette No. 44 of 23 July 2003.
2. Ordinance No. 03-07 of 19 July 2003 on Patents, Official Gazette No. 44 of 23 July 2003.

3. Executive Decrees

1. Executive Decree No. 98-68 of 21 February 1998 establishing the National Institute of Industrial Property, Official Gazette No. 11 of 1998.
2. Executive Decree No. 05-275 of 2 August 2005 laying down the procedures for filing and granting patents, Official Gazette No. 54 of 7 August 2005.
3. Executive Decree No. 05-277 of 2 August 2005 laying down the procedures for filing and registering trademarks, Official Gazette No. 54 of 7 August 2005.

II. Doctoral Theses and Academic Dissertations

1. Iman Tarchoun, 'Protection of Industrial Property Rights against Infringement', doctoral thesis, Faculty of Law, University of Algiers 1, Algeria, 2024/2025.
2. Saïd Chaabane, 'International and National Protection of Industrial Property Rights: Patents and Trademarks as a Model', doctoral thesis, Faculty of Law and Political Science, University of Batna 1, Algeria, 2023/2024.

III. Journal Articles

1. Al-Samei Haddaq, 'Provisional Protection of Industrial Property Rights under Algerian Law', *Journal of Legal and Political Thought*, vol. 6, no. 1, Algeria, 2022.
2. Amal Zaidi, 'A Critical Study of the Legal Regulation of Industrial Property Rights under Algerian Law', *Abhath Journal*, vol. 8, no. 1, Algeria, 2023.
3. Atika Beljbel, 'Legal Mechanisms for the Protection of Intellectual Property under Algerian Law', *Journal of Humanities*, no. 47, Algeria, June 2017.
4. Mustapha Ben Amina, 'Industrial Property Rights in Algeria and Their Role in Building a Strong National Industry', *Journal of Law and Human Sciences*, vol. 16, no. 3, Algeria, 2023.
5. Nabia Boubekeur, 'The Economic Dimensions of Exploiting Industrial Property Rights', *Al-Manar Journal for Legal and Political Research and Studies*, no. 2, Algeria, September 2017.
6. Rafika Belmardassi, 'The Multiple Forms of Legal Protection for Industrial Property Rights under Algerian Law', *Comprehensive Journal of Law*, Algeria, 2023.
7. Saad Laglib, 'The Contribution of Industrial Property Rights to Economic Development', *Al-Wahat Journal for Research and Studies*, vol. 14, no. 2, Algeria, 2021.
8. Tayeb Aidi and Oum El-Kheir El-Aggoun, 'The Role of Algerian Industrial Enterprises in Achieving Economic Development', *Forum Journal for Economic Studies and Research*, vol. 5, no. 1, Algeria, 2021.