

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

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The applicable procedures to challenge and enforce rights in appellations of origin and geographical indications in Djibouti are contained in Law No. 50/AN/09/6th L of July 19, 2009, on the Protection of Industrial Property which is available at:

https://wipolex-resources-eu-central-1-358922420655.s3.amazonaws.com/edocs/lexdocs/laws/en/dj/dj001en_1.pdf

The relevant provisions are reproduced hereunder, for ease of reference.

Article 179:

Geographical indication shall mean any indication that identifies a product as being originally from a territory or region or area within the territory, in cases where a quality, reputation or other specific characteristic of the product is essentially due to this geographical origin.

Article 180:

“Appellation of origin” shall be the geographical name of a country, region or specific place used to designate a product originating therein whose quality, reputation or other given characteristics are due exclusively or essentially to the geographical environment, including natural and human factors.

Article 181:

It shall, in particular, be unlawful to make:

- (a) direct or indirect use of a false or deceptive indication of the source of goods or services, or the identity of the producer, manufacturer or supplier thereof;*
- (b) direct or indirect use of a false or deceptive geographical indication or appellation of origin, or to imitate a geographical indication or an appellation of origin, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by expressions such as “kind”, “type”, “imitation” or similar.*

Article 182:

Public action to repress the unlawful acts referred to in Article 181 may be brought by the Public Prosecutor’s Office. Action for damages may also be brought by any aggrieved party, natural person or legal entity, association or trade union, in particular by the producers, manufacturers or traders who may correctly identify their goods or services with the indication or appellation in question, or by the associations representing them for that purpose, without prejudice to the right to bring civil proceedings or request precautionary measures.