

**The influenced legal protection of trade name :
Comparative study**

**La protection juridique influencée du nom commercial:
Étude comparée**

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***Dr. Nadjiba BADI BOUKEMIDJA**
Lecturer at University Benyoucef
BENKHEDDA , Algiers1
n.boukemidja@univ-alger.dz

Abstract:

The trade name is an immaterial and valuable asset for both the trader and the company he identifies. It is a useful information tool for the consumer. In the interest of the business and commercial enterprises, the trade name should be protected against unauthorized use that could be misleading to the public. It must also be prohibited in the event of misuse, for example, if it gives a particular image of the geographical origin of an enterprise or of a particular characteristic of its activities or of the industrial process that it uses. Such practices could easily lead to consumer deception.

By its role of identification and protection, the trade name is generally protected in most legislations. The framework convention of Paris Convention for the Protection of Industrial Property, also on such protection, in addition to internal legislation.

Keywords : trade name, violation, protection, international conventions, consumer.

Resumé :

Le nom commercial est un bien immatériel et évaluable, pour le commerçant et pour la société qu'il identifie. C'est un outil d'information important pour le consommateur. Dans l'intérêt du commerce et des entreprises commerciales, le nom commercial doit être protégé contre toute utilisation non autorisée qui pourrait induire le public en erreur.

Le nom commercial doit également être interdit en cas de mauvaise utilisation, par exemple s'il fournit une image particulière de l'origine

***Author Sent :** Nadjiba BADI BOUKEMIDJA

géographique d'une entreprise ou d'une caractéristique particulière de ses activités ou du processus industriel qu'elle utilise. De telles pratiques pourraient facilement tromper les consommateurs.

Par son rôle d'identification et de protection, le nom commercial est généralement protégé dans la plupart des législations. La convention cadre est la Convention de Paris pour la Protection de la Propriété Industrielle, en plus de la protection réservée dans la législation interne.

Mots clés: *nom commercial, violation, protection, conventions internationales, consommateur.*

Introduction :

To be valid, the trade name must first be available, lawful, and not misleading. In order to protect the consumer against the risk of error, the legislator prohibits any adoption of a sign similar or identical to that already appropriate by a competitor, whether, as a trade name, of a corporate name¹

In other words, a trade name is such as to constitute a prior right, the legislator requires that it satisfies two conditions:

*1- that its use is likely to create "a risk of confusion in the public spirit " ;
2- In addition, it must be "known throughout the national territory". This means that the appreciation of the availability of the sign fundamentally requires taking into account, on the one hand, the geographical influence of prior and, on the other hand, the risk of confusion in the public mind . However, many distinctive signs are protected throughout the national territory, regardless of the actual influence of the company, such is the case of the corporate name or the brand.*

This is not the case with regard to the trade name and fortiori of the sign².

Given that the trade names represent the image of the company and sometimes the image of the product of the company, we ask the question concerning the position of the texts when the trade names exist alone or when they are accompanied by other signs .

The answer to the problem, according to the international and national texts, imposes the study of the following main titles :

- 1- The influence of international texts*
- 2- Cases of double protection*
- 3- The problem concerning violation: cumulation or choice*

First main title: The influence of international texts

According to the article 1, paragraph 2 (a) (2) of the Paris Convention for the Protection of Industrial Property³: « Industrial property relates to: patents, utility models, industrial designs, trademarks , service marks, trade name ... »

According to the same convention ,the trade name is a notion interpreted in different ways by existing legislation. However, this concept can generally be defined as the name or designation identifying the business of a natural or legal person. The trade name is generally protected against certain unfair acts of third parties⁴.

The substantive provisions of the Convention fall into three main categories: national treatment, right of priority, common rules.

National Treatment- Under the provisions on national treatment, the Convention provides that, as regards the protection of industrial property, each contracting State must grant the same protection to nationals of the other contracting States as it grants to its own nationals. Nationals of non-contracting States are also entitled to national treatment under the Convention if they are domiciled or have a real and effective industrial or commercial establishment in a contracting State.

Right of Priority- the Convention provides for the right of priority in the case of patents (and utility models, where they exist), marks and industrial designs. This right means that, on the basis of a regular first application filed in one of the contracting States, the applicant may, within a certain period of time (12 months for patents and utility models; 6 months for industrial designs and marks), apply for protection in any of the other contracting States; these later applications will then be regarded as if they had been filed on the same day as the first application. In other words, these later applications will have priority (hence the expression “right of priority”) over applications which may have been filed during the said period of time by other persons for the same invention, utility model, mark or industrial design.

Moreover, these later applications, being based on the first application, will not be affected, by any event that may have taken place in the interval, such as any publication of the invention or sale of articles bearing the mark or incorporating the industrial design. One of the great practical advantages of this provision is that, when an applicant desires protection in several countries, he is not required to present all his applications at the same time, but has six or 12 months at his disposal to decide in which countries, he wishes protection and to organize with due care the steps he must take to secure protection.

Common rules-The Convention lays down a few common rules which all the contracting States must follow ⁵.

While article 8 (1) states that the trade name shall be protected in all the countries of the union without the obligation of deposit or registration of any kind, whether or not it is part of a trade mark ⁶.

The question of whether a name for which protection is sought is or is not a "trade name" is a qualification issue that must be resolved in the country where such protection is required. Although the article under consideration is couched in general terms, persons entitled to the benefit of the Convention under articles 2 or 3 may alone claim the protection of a trade name under that provision.

This article prescribes that the trade name must be protected, but it does not specify how such protection should be granted (also Articles 9 and 10 ter). Member States are free to regulate this protection either by specific legislation or by legislation concerning the repression of unfair competition or by other appropriate measures.

Protection will generally be granted in the case of unfair acts by third parties consisting of, for example, the use of the same trade name, or a similar business name likely to create confusion, or a trademark similar to the trade name, if such use is likely to create confusion in the public. Countries are free to prescribe special measures when homonymous surnames are used as trading names. The protection accorded to a foreign trade name must, by reason of the national treatment principle in article 2 of the convention, be the same as that accorded to national trade names ⁷.

In the face of the world intellectual property organization, there is the world trade organization(W.T.O) ,with article 15 of the Agreement on Trade related aspects of Intellectual property Rights (TRIPS), provides a definition of trademarks stating that:

“Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trade mark”

There are several dimensions in this definition

Firstly, a trademark is defined in substance: a sign. It can be denominations, letters, numerals, combination of colors, or any combinations of these elements.

Secondly, a trademark is defined by its function, the sign has to be distinctive. Originally the trademark law was designed to fulfill the public policy objective of consumer protection. It prevents the public from being misled as to the origin or quality of products.

Thirdly, a trademark is defined in legal terms: It is a type of industrial property. Trademark protection grants the owner the exclusive right to use

the signs to identify the goods or services produced or to authorize another party to use them in return for payment.

Practically, the owner can be any physical or legal person, (the majority of trademarks are owned by firms). Trademarks are defined as a combination of these different dimensions.

The value of trademarks has been demonstrated through various brand rankings and in recent studies conducted in the United States and the European Union and by the World Intellectual Property Organization (WIPO) and many other scholars interested in the field of intellectual property in general and trademarks in particular. They address many questions, and the variables they take into considerations vary from firms' size, their financial performance, the use of a trademark as innovation indicator and a combination of them. They show a positive correlation trademarks and firm size, financial performance, and in many cases serve as an indicator to show how innovative firms are ?⁸.

Second main title - Cases of double protection

It must be noted that a frontier between distinctive signs is only apparent in theory. Although it may seem that, because of the different functions and characteristics of the mark and other distinctive signs used in commerce, these should not conflict with each other, the practice of business shows that, in view of the manner in which trademark rights and other signs are exercised, their distinction for the public can often be difficult or impossible. The entrepreneur has the right, and sometimes even the obligation, to use his name on his products, in commercial papers, in advertising, etc. A partial identity of the forms of exercise of the rights to the signs is thus at the origin of the collisions between these rights⁹.

Use of a trade name as a trademark in order for a trade name to be considered to be used as a trade-mark, it must be used by its owner to distinguish manufactured, sold goods, leased or executed by such owner of goods manufactured, sold, leased or executed by others.

Thus, it appears from the foregoing that in order for a trade name to be considered to be used as a trade-mark, it is important that the trade name be used to distinguish the goods and services of its owner from the goods and services of the trade-mark of his competitors¹⁰.

Article 5.1 of the Directive provides as follows: "The registered trademark confers on its proprietor an exclusive right. The holder is entitled to forbid any third party, in the absence of his consent, to use in the course of business:

(a) A sign identical to the mark for goods or services identical to those for which the mark is registered;

(b) A sign for which, by reason of its identity or similarity with the mark and because of the identity or similarity of the goods or services covered by the mark and the sign, there is, in the public mind, a risk of confusion that includes the risk of association between the sign and the mark. "

All brands are covered by this provision. In addition, Article 5.2 creates a special regime for the well-known mark which prohibits "to any third party, in the absence of his consent, to use in the course of trade a sign identical or comparable to the mark for goods or services which are not comparable to those for which the mark is registered, where the mark has a reputation in the member state and where the use of the sign without just cause derives undue advantage from the distinctive character or the reputation of the brand or their harm ".

Also, in the case of a well-known brand, the reproduction or imitation of a brand with a reputation for identical products or services, similar or not to those designated in the registration, incurs the civil liability of its author if it is likely to be prejudicial to the owner of the mark or if such reproduction or imitation constitutes an unjustified exploitation of the latter; profit improperly derived from the reputation of the mark, which is the consequence of a certain degree of similarity between the signs in the presence of which, without confusing them, the public establishes a link between the signs, must be assessed globally in taking into account all the relevant factors of the case; only where the proprietor of the mark has succeeded in demonstrating that the distinctive character or reputation of the mark has been unlawfully exploited, it is for the third party who has made use of a sign similar to the reputed mark of to establish that the use of such a sign has a just cause;

In addition, the incorporation of the patronymic name in a corporate name or its registration as a trademark does not deprive family members bearing the same surname of its use, including for the exercise of a competing commercial activity; that thus, the guarantee of eviction of the personal fact of the salesman entails by right for this one, as regards the transfer of the shares of a company, no prohibition or limitation of the use of his patronymic name was it incorporated in the corporate name of the company whose capital is transferred or would it designate the products or services marketed by that company, if it has not expressly consented;

From which it follows that the sales order conceived in general terms does not entail the power of the agent to grant a prohibition or a limitation of the use by his principal of his patronymic name constituting acts of disposition¹¹;

There are three cases concerning the conflict:

1. The conflict between a mark and an identical sign, for identical goods or services, what is commonly known as dual identity ¹².

2. Conflict between a mark and an identical or similar sign for similar products or services, commonly known as similarity ¹³.

3. If the mark is renamed, it also receives ad hoc protection based on Article 5.2.

We find the same logic in French law. According to the article L. 713-2 of the Intellectual Property Code refers to dual identity and states that: "Are prohibited, unless authorized by the owner:

(a) The reproduction, use or affixing of a mark, even with the addition of words such as "formula, manner, system, imitation, genre, method" and the use of a mark reproduced for products or services identical to those designated in the registration;

(b) The deletion or modification of a mark regularly affixed. "

Probably because of the presence of the term "reproduction" in the aforementioned article , the french law knew a slow but constant evolution: the counterfeit by reproduction took precedence in most cases on "the use" and "the opposition ".

How many assignments have we seen in which a standard sentence made it possible to avoid a good part of the debate: "Whereas the reproduction of the mark is sufficient to characterize the act of counterfeiting referred to in the article ? It is no longer really necessary, in this diagram, to be interested in the content of the notion of use, since there is a way so simple to do without it by simply pointing out that the mark has been reproduced.

It is in cases of double identity that this evolution is the clearest, the magistrate having over time seen its role more and more limited: from the moment the double identity was demonstrated and the brand reproduced, the counterfeit was retained without having to ask any other questions about the use and the specific context.

As well, the goods or services in dispute must be identical to those for which the mark is registered. It is therefore necessary to refer to the recording, which can, in many cases, designate a product or service that is relatively different from the reality. This may include a record with a product or service that has evolved, or an approximate record.

In addition, once the trademark holder has established the double identity, it remains for him to demonstrate that the other conditions of application of the text are fulfilled. One immediately perceives a first nuance compared to the almost automatic application of counterfeiting by reproduction in French law.

The Court of Justice has again pointed out in the *Interflora* case: "the proprietor of the trade mark cannot oppose the use of a sign identical to its mark as a key word if it doesn't fulfill all the conditions laid down for that purpose. These conditions can be grouped into two parts:

- Use in business for products or services, without the consent of the owner;
- The infringement of one of the functions of the mark ¹⁴.

The question arises on protection of consumer, who has intrinsically established a close connection between the product and the manufacturing or trading company, especially when the brand does not succeed, to ensure its value as an indication of the source and henceforth, of business name?

Needless to say, the fairest solution would lie in the possibility of assignment of the mark without the company, provided that it does not cause confusion or deception in the average consumer's assessment. In addition, consumer protection differs according to the role played by the brand. Indeed, if its role as an indication of origin is considered less important than those of distinction and indication of the constancy of the level of quality, it may be accepted that a mark must be transferable independently of the fund to which it refers.

But in any event, even if the role of that distinctive sign with regard to the origin is not fully known, a free assignment could undoubtedly mislead the consumer, in particular if the assignee fails to maintain a reasonable consistency of the quality level of the goods or services offered under the stamp of the assigned mark, or if it establishes a connection between the mark and a geographical origin other than that of the goods or services sold under the mark, subject of the free assignment or also if the assignee does not respect certain points deemed important for the consumer. This is why some legislations in foreign countries - opting for different positions but focused on consumer protection, consider the assignment as null and void if its consequences are likely to mislead the consumer.

This is the example of Article 8 of the German Law on May 5, 1936, which states that free surrender is prohibited to the extent that it can lead to misleading the public. However, there has been a softening in the course of time under the influence of big industry, which has ended in two positions: The first has been against, insofar as the brand -indication of origin- could not be sold without the consumer having been deceived; the second, on the other hand, seems to accept the free assignment if the mark only fulfills its role of ensuring quality; by justifying that the consumer is less concerned about the producer than about the product.

On the other hand, the United Kingdom Act, codifying the 1938 marks legislation, allows a mark to be assigned unless, because of the operation of the exclusive rights to use similar or identical marks (for same products) remain in favor of more than one of the persons concerned and that the use of these marks, because of the similarity of the products and the marks, is likely to deceive the consumer or to cause him a confusion altering his choice¹⁵.

**Third main title -The problem concerning violation :
cumulation or choice**

The right to the mark grants its owner a monopoly of exploitation of the mark. Therefore, third parties must refrain from the use of any sign that might conflict with the mark. However, trademarks may consist of names, both natural and legal persons, who should have the opportunity to use them to ensure their own identification. The conflict between the mark and the other distinctive signs used in the trade is therefore inevitable. The European legislator, aware of the wide scope of exclusivity enjoyed by the trademark owners and wishing to protect the interests of third parties, has provided for a special provision to settle the dispute¹⁶.

Approximating the laws of the member states relating to trade marks which lists the limitations of the effects of the trademark, the right conferred by the trade mark does not entitle its proprietor to prohibit a third party from using in the business life of his name, so long as this use is made in accordance with honest practices in industrial or commercial matters. As a first step, it should be noted that the monopoly of the trademark owner is limited to the use of the trademark in business life.

Limiting the monopoly of the use of the mark for its use in the life of the business is considered justified because an untapped mark in the trade can not fulfill its functions, in particular its essential function of guarantee of identity of origin (guaranteeing the holder has the right to oppose the use of any sign likely to cause a risk of confusion).

According to the judgment of the Court of Justice on 12 November 2002, counterfeiting takes place in the course of business, since the use is in the context of a commercial activity aiming at an economic advantage and not in the private domain. The CJEU has repeatedly referred to this definition in its subsequent case law.

In the light of the case law of the Court of Justice, trademark infringement depends on how the sign is exploited and therefore perceived by the public. The examination of the judgments referred to above makes it possible to conclude that it is not important for the assessment of the use of the sign as a mark, if the sign also plays other roles in the life of the business, even if the sign It is perceived first and foremost as fulfilling a function other

than that of distinguishing products or services. Signs with different purposes may at the same time indicate the origin of the goods or services and therefore result in infringement.

The customer's perception of the sign - used as a corporate name or commercial name - does not preclude the establishment of a link between the sign and the goods or services provided by the third party¹⁷.

According to convention of Paris, any product unlawfully bearing a trademark or trade name shall be seized on importation in those countries of the union in which that trademark or trade name is entitled to legal protection.

The seizure will also take place in the country where the unlawful affixing took place, or in the countries where the product has been imported. The seizure will take place at the request of the public prosecutor or any other competent authority, or an interested party, natural or legal person, in accordance with the domestic law of each country of the authorities shall not be required to make the seizure in case of transit. If the law of a country does not permit seizure on importation, the seizure shall be replaced by the import prohibition or the seizure inside.

If the legislation of a country does not admit neither the seizure on importation, nor the import prohibition if there is no seizure within, and until that legislation is amended accordingly.

These measures will be replaced by the actions and means which the law of that country would provide in such cases to nationals. Parts of this article already appeared in the original text of the 1883 Convention. New paragraphs have been added by the Additional Act adopted by the Brussels Review Conference (1900) and, with modifications, by the Washington Review Conference (1911).

The Hague Review Conference (1925) adopted a number of other amendments. Although in certain cases the Convention prescribes measures that may be taken against infringements of certain industrial property rights¹⁸, it generally leaves to the national legislation of the member states the task of providing actions and means against such attacks.

Attempts to prescribe certain sanctions in the convention for the importation of products illegally bearing a trademark or a protected trade name in the importing country have proved too ambitious.

The current wording of the article under consideration, although it seems very strict in paragraphs (1), (2), (3) and (5), actually adds very little to the general principle in articles 2 and 3 of the Convention, which ensures to persons admitted to the Convention "national treatment" in all member states, including actions and means available in case of infringement of their industrial property rights .

This is indeed the effect of the article under consideration since, after having prescribed, in the event of infringement of rights relating to a trademark or a trade name, the seizure on importation of goods bearing that mark or name, or a prohibition of importation, or seizure within the country, this article adds in paragraph 6) that a country which does not admit such measures may replace them by the actions and means which the In such a case, the law of that country would ensure the nationals.

Thus, the principle of national treatment will apply to actions and means in the case of infringement of rights in trademarks or trade names, and this will be considered sufficient. In these circumstances, the article under consideration is important only in that it suggests a series of measures considered desirable in order to protect the rights associated with trademarks or names. and if national laws adopt such measures, this article stresses their mandatory application in cases where the Convention is applicable. It is exclusively for the national legislation and the administrative or judicial procedures of the country concerned to give effect to the provisions of paragraph (1).

Paragraph (2) states that, if the national legislation in question so provides, the seizure of goods unlawfully bearing a trademark or trade name shall be effected in the country in which the signs were affixed as well as in the country of import.

The national legislation of the country in question shall specify in the request of whom the seizure will take place. The words "natural or legal person" do not in themselves imply the obligation to admit petitions from trade unions or associations of interested persons¹⁹.

This provision is self-explanatory. The words "pending the amendment of this legislation accordingly" were added by the Hague Review Conference (1925). It was expressly understood that these words should be interpreted as a simple invitation to Member States to adopt legislation in accordance with the preceding paragraphs, but that this invitation did not create any obligation, not even a moral obligation²⁰.

We find another way of qualification which is not always taken into consideration, it is based on intellectual comparison.

Intellectual similarities can compensate for visual or auditory differences and justify the recognition of a likelihood of confusion, as in the case between the signs "Aunt Paulette" and "Paulette à Bicyclette" , where the court puts in highlighting the "obsolete" evocation common to the two signs because of the presence of the somewhat dated name « Paulette ».

On the other hand, where an element of the first mark in a second mark merges into a unitary unit with its own evocation, the consumer will not be inclined to associate the signs and to attribute to them the same commercial origin.

Is the imitation of the « Angulus » mark by the sign « Angel'us » excluded, in particular because the former refers to the notion of angle, while the second refers to a word game associating the name Angel? ("Angel" in French) and the acronym for "United States".

Same conclusion between the signs "Fizz" and "Jean's Fizz" (the last one referring to a cocktail as a whole), "Imperial" and "House Imperiale" (the disputed sign evoking the place of residence or the court of the emperor while the earlier mark refers generically to the empire), or "Cultura" and "Culturapy" (the second sign forming an "arbitrary neologism evoking the notion of joy or therapy through culture")²¹.

Although China assumes the obligation for protecting trade names of foreign enterprises in accordance with the Paris Convention, it is not totally unconditional; the trade name of a foreign enterprise should be used commercially in China, and should enjoy a certain degree of popularity. The high degree of popularity of a trade name can only be gained through commercial activities. Thus in China, commercial use is a precondition for getting protection for a foreign enterprise's trade name.

Enterprises, in using trade names, not only need to obtain a highly distinctive "Chinese name" when seeking registration, but also need to carry out the market promotion of the trade name²².

According to the Algerian Trademark Law-article 07- the Algerian National Institute cannot register a trademark that complies with a trade name²³.

Conclusion :

The importance of the trade name today is no longer to be discussed, because the image of the notoriousness in the market is hidden behind the commercial name. This allows for the possibility of confronting the competitors, the moment or the moral rights are provided. So the company can easily monopolize the competing market as long as it remains only the material part, before the acquisition of the immaterial.

Moreover, following this, we are faced with the following recommendations :

- The condition of the availability of the trade name must be linked to the geographical area and the sector of activity, because when the commercial name is well-known, the field of registration of the same name must be widened.

-The national legislations are divided into two categories, the first incorporates trade names in the category of industrial property rights, and the second category denies the trade names of industrial property rights such as Algerian law. However, according to the Paris Convention, trade names are considered as industrial property rights. Therefore, this international position must be respected by the national texts, especially as it is economically the best position.

- In the case of double protection of the trade name and in case of infringement, we are automatically faced with several infringements, which gives the case of cumulation or choice. But cumulation is preferable because it reinforces the protection and in the event of failure in one action may be right in another action. So we lose not everything, as in the case of choice. Because the choice of a single legal action means a single result.

References:

¹ - Sign or brand.

² - Naim SABIK, *The role of industrial property in consumer protection*, PhD Thesis in private law, University Jean Moulin Lyon 3, 2010 , p 115 .

³ - Article 8 provides for mandatory protection of the trade name.

⁴ - Georg Hendrik Christiaan BODENHAUSEN, *Guide to the application of the Paris convention for the protection of industrial property , international offices for the protection of intellectual property (BIRPI)*, 1969 , p21

⁵ -Rahul CHAKRABORTY , *Growth of Intellectual Property Law and Trade Marks* , ssrn, january2009, p19.

⁶ - This article was already in the original text of the 1883 Convention. The Hague Review Conference (1925) modified the wording of one point in order to bring it into line with other provisions of the Convention. As previously noted - see comment on article 1.2 - the notion of "trade name" varies in the different countries of the Union.

⁷ - Georg Hendrik Christiaan BODENHAUSEN, *op.cit*, p 138.

⁸ - Mirësi ÇELA , *European Journal of Sustainable Development* ,2015,n° 4, 3,p 125.

⁹ - Michal BOHACZEWSKI , *op.cit*, p 61.

¹⁰ -Marie-Josée LAPOINTE , Jean-Nicolas Delage, *Trademarks and Trade Names: who will be the winner?* , *Intellectual property notebooks*,Vol. 17, no 3, p497.

¹¹ -Court of cassation, commercial division , july 10, 2018, n° of appeal: 16-23694

¹² - The matter is referred to in Article 5.1 (a)

¹³ - The matter is dealt with in Article 5.1.(b)

¹⁴ -Lise BRETEAU, Étienne WERY, *Trademark law: European justice puts counterfeiting to death by "French" reproduction* , journal LAMY immaterial right, November 2011, N ° 7 6, p06 .

¹⁵ - *Role of industrial property in consumer protection. Report O.M.P.I. CORP/2. 1983, page 21.*

¹⁶ - Pursuant to Article 6§1a) of Directive 2008/95 / EC of the European Parliament and of the Council of 22 October 2008 (EC, Directive 2008/95 / EC of the European Parliament and of the Council of 22 October 2008 approximating the laws of the Member States on

trade marks, [2008] OJ, L 299/25 Directive 2008/95 replaced the EC, First Council Directive 89/104 / EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks , [1989] OJ, L 040.)

¹⁷ - Michal BOHACZEWSKI , Use of name as trademark infringement in EU law, *Intellectual property notebooks* ,Vol. 27, no 1 , p 61 .

¹⁸ - Articles 5c, 6a, 6f.

¹⁹ - For this question, Article 10 ter (2).

²⁰ - Georg Hendrik Christiaan BODENHAUSEN, *op.cit*, p 141 .

²¹ -Marianne CANTET , Recent case law on opposition, industrial property, *LEXISNEXIS jurisclasseur* , April 2016, p10.

²² - Chen ZHEN , *Judicial Protection for Trade Names of Foreign Enterprises* , china intellectual property , aug . 2007 , Issue 19 ,

²³ -Algerian law n ° 03-06 of 19 July 2003, relating to trademarks .