

WORKSHEET

Based on: "The Effectiveness of the Penal Rule in Protecting the Elements of the Industrial & Commercial Property"

EXERCISE 1: TRUE OR FALSE WITH JUSTIFICATION

Read the following statements based on the essay content. State whether each is TRUE or FALSE, and provide a brief justification from the text.

1. The Algerian legislator has fully adhered to the principle of legality when criminalizing infringements of industrial and commercial property.

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Model Answer:

FALSE. The principle of legality has declined because the legislator has used vague expressions and blank criminal provisions, delegating the definition of criminal elements to administrative authorities.

2. Counterfeiting and unfair competition are both classified as misdemeanors under Algerian law.

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Model Answer:

TRUE. Both are classified as misdemeanors punishable by principal and supplementary penalties, for which both the principal offender and accomplice may be held liable.

3. Customs officers have no authority to investigate infringements of industrial property elements.

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Model Answer:

FALSE. Customs officers are vested with the authority to investigate and detect offenses, as per Article 37 of the Customs Code.

4. Financial penalties (fines) predominate over custodial sanctions in the protection of industrial and commercial property.

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Model Answer:

TRUE. A close analysis reveals the predominance of the financial aspect, as the legislator relies most often on fines rather than imprisonment to provide additional resources to the state budget.

5. There is a specialized judge in Algeria dedicated to intellectual property disputes.

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Model Answer:

FALSE. Specialized judicial divisions have not yet been established. The assessment falls to the criminal judge, who is not specialized in this highly technical field.

6. The Arabic and French versions of Article 27 of the Commercial Practices Law are identical in scope.

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Model Answer:

FALSE. There is an inconsistency. The Arabic version limits itself to referring to acts of unfair competition related to "trademarks," whereas the French version uses the broader term "distinctive signs."

EXERCISE 2: WRITING A MODEL PARAGRAPH

*Write a well-structured paragraph (150-200 words) on ONE of the following topics. Your paragraph must clearly include a **Topic Sentence (Main Idea)**, **Supporting/Refuting Sentences**, and a **Concluding Sentence**.*

- **Topic A:** The decline of the principle of legality in protecting industrial property.
- **Topic B:** The multiplicity of authorities empowered to initiate criminal proceedings for infringements on industrial property.
- **Topic C:** The predominance of financial penalties in the protection of industrial and commercial property.

Write your paragraph here...

Model Paragraphs (Suggested Answers):

Topic

A:

[Topic Sentence] In the realm of industrial and commercial property protection, there is a noticeable decline in the strict application of the principle of criminal

legality. **[Supporting Sentences]** The Algerian legislator increasingly relies on vague phrasing and blank criminal provisions, delegating the definition of offense elements to administrative and executive bodies. Consequently, criminalization in the business sector encompasses broad expressions that are open to interpretation, blurring the boundary between permissible economic activity and criminal behavior. Furthermore, reliance on executive regulations rather than formal legislative statutes weakens the traditional requirements of precision and clarity. **[Concluding Sentence]** Ultimately, while this flexibility attempts to keep pace with rapid economic changes, it significantly compromises the core tenets of the principle of legality.

Topic

B:

[Topic Sentence] The enforcement of criminal proceedings regarding industrial and commercial property is characterized by a multiplicity of empowered authorities. **[Supporting Sentences]** Due to the technical complexity of economic crimes, the law grants broad investigative powers to various specialized agents beyond the traditional public prosecutor. These include judicial police officers, customs administration personnel, and specialized agents from the Directorate of Trade, all of whom can detect and investigate infringements such as counterfeiting and unfair competition. This shared jurisdiction inevitably creates overlapping competencies between administrative bodies and criminal courts. **[Concluding Sentence]** Therefore, while multiple authorities ensure a wider net against economic crimes, this multiplicity also complicates procedural enforcement and jurisdictional clarity.

Topic

C:

[Topic Sentence] The penal policy adopted for the protection of industrial and commercial property demonstrates a clear predominance of financial penalties over custodial sentences. **[Supporting Sentences]** Unlike traditional criminal offenses, economic crimes are primarily countered with substantial administrative and criminal fines, which serve the dual purpose of punishing the offender and replenishing the state treasury. Furthermore, these monetary sanctions are frequently accompanied by supplementary administrative penalties, such as confiscation of goods or prohibition from practicing commercial activities. While imprisonment remains an option for severe offenses, the primary legislative focus is on rectifying the financial imbalance caused by the crime. **[Concluding Sentence]** In conclusion, relying heavily on financial penalties reflects a pragmatic approach to deterring economic agents while simultaneously supporting public economic order.

EXERCISE 3: KEY TERMINOLOGY

Provide the exact Arabic equivalent for the following English legal terms extracted from the essay.

English Term	(العربية) Arabic Equivalent
Industrial and Commercial Property	
Intellectual Property	
Counterfeiting	
Unfair Competition	
Economic Crime	
Criminal Policy	
Criminalization	
Punishment	
Criminal Penalties	
Administrative Sanctions	
Fine	
Imprisonment	
Confiscation	
Publication of Judgment	
Prohibition from Practicing Activity	

English Term	(العربية) Arabic Equivalent
Legal Element	
Material Element	
Moral Element (Mens Rea)	
Public Prosecution	
Criminal Procedures	
Evidence	
Official Report	
Seizure	
Patent	
Trademark	
Presumption of Innocence	
Right of Defense	
Legal Person	
Natural Person	

Model Answer / Answer Key:

English Term	Arabic Equivalent (العربية)
Industrial and Commercial Property	الملكية الصناعية والتجارية
Intellectual Property	الملكية الفكرية
Counterfeiting	التقليد
Unfair Competition	المنافسة غير المشروعة
Economic Crime	الجريمة الاقتصادية
Criminal Policy	السياسة الجزائية
Criminalization	التجريم
Punishment	العقاب
Criminal Penalties	العقوبات الجزائية
Administrative Sanctions	العقوبات الإدارية
Fine	الغرامة
Imprisonment	الحبس
Confiscation	المصادرة

English Term	Arabic Equivalent (العربية)
Publication of Judgment	نشر الحكم
Prohibition from Practicing Activity	المنع من ممارسة النشاط
Legal Element	الركن الشرعي
Material Element	الركن المادي
Moral Element (Mens Rea)	الركن المعنوي
Public Prosecution	الدعوى العمومية
Criminal Procedures	الإجراءات الجزائية
Evidence	الإثبات
Official Report	محضر
Seizure	الحجز
Patent	براءة الاختراع
Trademark	العلامة التجارية
Presumption of Innocence	قرينة البراءة

English Term	(العربية) Arabic Equivalent
Right of Defense	حق الدفاع
Legal Person	الشخص المعنوي
Natural Person	الشخص الطبيعي

Good Luck — Lecturer: ZERROUK Imene Fatima Zohra