

**THE SPECIALIZED COMMERCIAL COURT IN ALGERIA:
LEGISLATIVE DEVELOPMENT IN LINE WITH THE
REQUIREMENTS OF COMMERCIAL LIFE**

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Abstract:

The Algerian legislator has taken important and commendable steps within the framework of a series of reforms in the field of judicial work, especially in order to keep pace with commercial developments in the light of the electronic and digital environment. Thus, the legislator has revived the specialized court with more efficiency and flexibility through its formation and expertise in commercial and economic customs and practices, in order to find solutions and resolve disputes related to commercial matters. This research paper came to clarify the legal provisions governing the specialized commercial court in Algeria.

Keywords: Commercial court; Commercial judiciary; Specialized poles; Law 22-13

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INTRODUCTION:

The judiciary is one of the most important components and foundations on which economic and commercial development is based. Its more effective activation requires it to include judicial elements that have the ability to deal effectively with economic and commercial issues and disputes.

There is no doubt that the existence of a specialized commercial court is primarily linked to the idea of the independence of commercial law from civil law, which is considered the general law of laws, since this independence is an inevitable result in view of the nature and differences between civil transactions and commercial transactions, the latter are based on the two pillars of credit and speed that civil transactions lack. The speed factor is one of the most important foundations and pillars on which local and international trade is based, so that developed and advanced countries have become competing, if not struggling, to control and extend their influence over the shortest trade routes that achieve the earliest and fastest access to commercial and economic markets.¹

For this reason, various legal systems have embarked on the path of establishing a commercial judiciary independent of the civil judiciary, dealing with cases based on efficiency and precise specialization, which enables them to adjudicate on the commercial disputes submitted to them at the speed required by the commercial environment, at the lowest cost and with the simplest procedures. The French judiciary was perhaps the first to create commercial courts, and it was followed by other legal systems. Regardless of the differences in their names, their purpose for creation is the same.

Some legal systems have established a different type of court to handle disputes related to commercial and economic matters, termed as a ‘‘Court of First Instance’’ as exemplified in Iraq. Due to changes in legislative and economic policies, the expansion of commercial dealings, economic openness, and the active movement of the commercial market and foreign investments in Iraq, the Iraqi legislature attempted to adopt and establish a specialized commercial judiciary for commercial disputes. This judiciary is not entirely independent from the civil judiciary; rather, its role is limited to examining and adjudicating specific types of disputes within a defined legal and temporal framework.²

As a result of the opening of the Algerian economic and commercial market, and the legal and economic reforms implemented, particularly those related to the investment environment, and in light of the technological and digital developments in the world of finance and business, and within the framework of implementing the comprehensive national plan for justice reform, the Algerian legislator responded through Law No. 22-07 ³ and Law No. 22-13 ⁴ and

established a specialized commercial court to consider disputes and issues of a commercial and economic nature.

It is worth noting that the Algerian legislator, despite the establishment of the specialized commercial court and its exclusive jurisdiction according to the text of Article 536 bis of Law 08-09, which includes intellectual property disputes, disputes related to commercial companies, disputes related to judicial settlement and bankruptcy, disputes between banks and financial institutions and traders, maritime and air transport disputes, insurance disputes related to commercial activities, and finally disputes related to international trade, has nevertheless maintained the commercial section of the court according to Article 531, which states that "the commercial section is competent to rule on commercial disputes, with the exception of those mentioned in Article 536 bis of this law." This means that the commercial section at the level of the court of first instance is competent to adjudicate on disputes related to traditional and simple commercial activities. The legislator has also made it mandatory in the last amendment to submit the dispute to mediation beforehand by the president of the commercial section, as provided for in Article 534 of Law 08-09. Moreover, mediation is not subject to the acceptance of the parties, contrary to the provisions of Article 994 of the same law.⁵

In view of the importance of the specialized commercial court and its place in the Algerian judicial system, as it relatively embodies the independence of commercial judiciary from civil judiciary, and as it is a more effective tool for improving the business and investment climate, and as it also provides and strengthens the preservation of legal positions through the procedures of conciliation and mediation, not to mention that it is one of the procedural applications of the principle of speed in commercial law.

Therefore, the following question arises in this research: how did the Algerian legislator organize the specialized commercial court?

To answer this problem, we have chosen to treat the subject according to the following order:

First : Qualitative and Territorial Jurisdiction

Second : Composition of Specialized Commercial Courts

Third : Course of Litigation

In order to address this topic, the study adopted the analytical approach, whereby we analyzed the legal texts governing the specialized commercial court, which are mainly Law No. 22-07, Law No. 22-13, Executive Decree No. 23-52 ⁶ and Executive Decree No. 23-53.⁷

To fully understand the legal and regulatory aspects of the specialized commercial court in Algeria in light of Law No. 22-13 and its executive and regulatory decrees, it is necessary to first address its jurisdictional competencies, both in terms of type and regional scope (firstly), then move on to its composition and organizational structure (secondly), and finally, discuss the specificity of litigation procedures before its body (thirdly).

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First: Qualitative and Territorial Jurisdiction

A- Qualitative Jurisdiction:

The world today is witnessing significant changes across various fields, particularly in the commercial and economic sectors. These changes demand more speed and reliability than ever before, resulting in a considerable number of commercial disputes that require swift and effective adjudication at minimal costs. This need is effectively addressed through the specialized commercial court, to which the Algerian legislator has assigned specific disputes with exclusive jurisdiction to adjudicate. However, the legislator has not left this jurisdiction unfettered but has rather defined it in an exhaustive manner in Article 536 bis of Law No. 08-09. We will briefly discuss these jurisdictions as follows:

1- Intellectual Property Disputes:

The emergence and development of intellectual property rights are closely linked to their protection systems. While there were precursors in ancient times, where rulers offered rewards for the development of useful and beautiful objects, the Greek city of Sbaris issued patent-like decrees for new foods in the late third century BC. During the Middle Ages, the Abbasid Caliph Abu Ja'far al-Mansur ordered poets to be rewarded on the condition that the poem was their own composition, not plagiarism. This requirement emphasized the personal touch and original creativity.⁸ Intellectual property is defined as “a right or power recognized and protected by law for a person over his intellectual, mental, and physical production, giving him the right to be considered as the producer and to monopolize the financial benefit that follows from exploitation.” It is divided into industrial property rights⁹ and literary and artistic property rights.¹⁰

The disputes over which the specialized commercial court has jurisdiction fall within the civil framework - criminal protection falls within the exclusive jurisdiction of the criminal judiciary. Some of the intellectual property disputes include those arising from unfair competition, disputes related to refusal of registration, disputes related to exploitation and all legal operations and transactions related to intellectual property rights, as well as disputes over the payment of fees and those between right holders.

2- Commercial Companies Disputes:

The interests of partners and bona fide third parties within a commercial company¹¹ are multifaceted and often overlap, leading to disputes and disagreements that require judicial intervention for resolution. Given that a company is a legal entity whose decisions are based on majority rule in managing its affairs, the board of directors is often authorized to resolve internal disputes. This opens the door for judicial intervention, at the request of partners based on the existence of a legal text, and in cases without a request from partners based on the social interest of the commercial company.¹²

Article 3 of the Commercial Code stipulates that commercial companies are considered commercial acts by their form, and Article 544 confirms the determination of the commercial character of the company either by its form or by its object. Partnerships, limited liability companies, joint-stock companies, and simplified joint-stock companies are commercial by their form, regardless of their object¹³. The reason for making these companies commercial regardless of their object is perhaps due to the importance of companies on the one hand and the economic role entrusted to them on the other. The specialized commercial court has jurisdiction over all disputes arising from and related to commercial companies, whether at the time of their establishment, during their lifetime, or even upon their liquidation and the dissolution of the legal relationship¹⁴, particularly actions for nullity of the establishment of commercial companies, actions relating to deliberations, as well as disputes over the bankruptcy, dissolution, transformation¹⁵, and liquidation of the company and the division of its assets.

3- Judicial Settlement and Bankruptcy:

The Algerian legislator has entrusted the specialized commercial court with the task of adjudicating on all matters related to the bankruptcy and judicial settlement system. In this regard, Article 215 of the Commercial Code states that “any trader or legal entity subject to the special law, even if not a trader, who stops payment, must file a declaration within fifteen days for the purpose of opening judicial settlement or bankruptcy proceedings.” Accordingly, all the procedures and matters regulated by the legislator in Book III of the Commercial Code entitled “On Bankruptcy and Judicial Settlement, Rehabilitation and

Bankruptcy, and Other Bankruptcy Crimes’’ from Articles 215 to 388 thereof, fall within its jurisdiction.

4- Disputes between Banks and Financial Institutions and Traders:

These are disputes arising between financial and banking institutions and customers with the status of traders only, as a result of banking operations governed by laws, especially Law No. 23-09, dated June 12th, 2023, which includes the monetary and banking law¹⁶. Some of the disputes include those that are basically related to the deposit of funds, the rate of interest, unpaid loans, and abusive clauses.¹⁷

5- Maritime and Air Transport Disputes and Insurance Disputes Related to Commercial Activity:

According to Articles 2 and 3 of the Commercial Code, activities related to maritime commerce, air transport, and insurance tied to commercial activities are considered commercial contracts. Undoubtedly, these activities hold significant national and international importance given their essential and effective role in the development, prosperity, and stimulation of the commercial sector. Therefore, the specialized commercial court has jurisdiction to adjudicate on disputes related to liability in air and sea transport contracts, regardless of their subject matter, whether it be the transport of persons or goods, as well as any resulting damages and incidents that may occur.

6- International Trade Disputes:

International trade has witnessed a phenomenal quantitative, qualitative, and staggering leap since the end of World War II, linked to the increase in the volume of trade exchanges.¹⁸ Due to the complexity of these disputes in terms of procedures, subjects, and even parties (one of which may be foreign), it is essential that disputes arising from these transactions be heard by a specialized and more efficient and accurate judiciary, responding to the principles of speed and reliability on which the commercial environment is based.

B- Territorial Jurisdiction:

Article 536 bis1 of Law No. 08-09 stipulates that ‘‘the provisions of regional jurisdiction set forth in this law shall apply to the specialized commercial court’’. This means that the legal provisions contained in Articles 37 to 47 of Law No. 08-09 apply. However, by virtue of the provisions of Executive Decree No. 23-53, which solely determines the territorial jurisdiction districts of specialized commercial courts, the legislator has organized the territorial jurisdiction of these courts.¹⁹ Article 2 of this decree stipulates that the number of specialized commercial courts is set at twelve (12) courts throughout the national territory, distributed and defined as follows:

Specialized Commercial Court	Territorial Jurisdiction (Courts)
1- Béchar	Béchar, Adrar, Tindouf, Timimoun and Béni Abbès
2- Tamanrasset	Tamanrasset, Illizi, Bordj Badji Mokhtar, Ain Salah, Ain Guezzam and Djanet
3- Djelfa	Djelfa, Aghouat, Tiaret and Tissemsilt
4- Blida	Blida, Tipaza, Médéa and Ain Defla
5- Tlemcen	Tlemcen, Saida, El Bayadh, Sidi Bel abbès and Naâma
6- Algiers	Algiers, Bouira, Tizi Ouzou and Boumerdes
7- Sétif	Sétif, Batna, Béjaia, M'sila and Bordj Bou Arreridj
8- Annaba	Annaba, Tébessa, Guelma, Taref and Souk Ahras
9- Constantine	Constantine, Oum El Bouaghi, Jijel, Skikda, Mila and Khenchela
10- Mostaganem	Mostaganem, Chlef and Relizane
11- Ouargla	Ouargla, El Oued, Ghardaia, Touggourt, El M'ghair, El Menia, Biskra and Ouled Djellal
12- Oran	Oran, Mascara and Aïn Témouchent

Article 3 of the same executive decree added that the specialized commercial courts of Algiers, Oran, and Constantine shall be provided with special headquarters, provided that the other tribunals shall convene in the Tribunal specified by a decision of the Minister of Justice affiliated with the Court within whose jurisdiction the specialized commercial court falls.²⁰

Second: Composition of Specialized Commercial Courts: Embodiment of Collective Composition:

Referring to the provisions of Law No. 22-13, the specialized commercial court is composed of the president of the specialized commercial court, departments under the presidency of a judge, and four (04) assistants for each department, in addition to a representative of the public prosecution and the clerk office of the specialized commercial court.

A- President of the Specialized Commercial Court

The Algerian legislator has granted the President of the specialized commercial court several powers, which can be summarized as follows:

- Appointment of a judge within five days by virtue of an ordinance on a petition to conduct reconciliation proceedings in accordance with Article 536 bis 4 of Law 08-09.
- The President of the specialized court exercises all the powers vested in the President of the ordinary court in commercial disputes (e.g., payment orders in commercial matters and issuing orders on petitions).
- The number of departments in the court is determined by virtue of an ordinance based on the nature and volume of judicial activity, after consulting the public prosecutor (Article 536 bis 3 of Law 08-09).
- The number of assistants is set per court departments by virtue of an ordinance (Article 2 of Executive Decree No. 23-52)

B- Assistants:

Article 536 bis2 of Law No. 08-09 stipulates that the specialized commercial court is composed of departments under the presidency of a judge and assisted by four (4) assistants who have extensive knowledge of commercial matters and hold a deliberative opinion. This means that the Algerian legislator has combined in the formation both professional and non-professional judges. In the context of organizing the various legal aspects of this issue, Executive Decree No. 23-52 was issued, which determines the conditions and methods for selecting assistants to the specialized commercial court.²¹

Article 5 thereof, requires assistants to be Algerian nationals, possess civil and political rights, have a good reputation, and not have been convicted of a felony or offense, except for unintentional crimes. Each selected assistant undergoes an administrative investigation at the request of the Prosecutor General. The list of assistants is prepared and updated by a committee chaired by the president of the Court in which the specialized commercial court's seat is located, or his representative. The committee also includes the president of the specialized commercial court, presidents of commercial chambers of courts within the court's jurisdiction, heads of departments, and a representative of the public prosecution. The committee's secretariat is provided by the principal clerk of the specialized commercial court. The committee can seek assistance from any public or private entity or individual in performing its duties.

Article 6 of the same executive decree mandates that assistants undergo training before assuming their duties. This training specifically includes understanding judicial work, the jurisdiction of the specialized commercial court, and its

organization and functioning. The modalities and location of the training are determined by the president of the specialized commercial court, while the duration and program of the training are set by a decision of the Minister of Justice, Keeper of the Seals

Before assuming their duties, assistants must take an oath before the judicial council in whose jurisdiction the specialized commercial court is located. The oath formula is as follows: **“I swear by Almighty God that I will perform my duties to the best of my ability and that I will keep confidential the deliberations, information, and documents that I have access to during or in connection with the performance of my duties.”**

To incentivize and reward this work, the legislator has provided assistants with compensation for their tasks. Article 9 of the same executive decree mandates that assistants receive the compensations stipulated in the regulations in force. Assistants are installed in an official session of the specialized commercial court. minutes of the installation are drawn up and kept at the clerk office of the specialized commercial court.

C- Public Prosecution:

Article 536 bis 7 of Law 08-09 states that the public prosecution is represented before the specialized commercial court by the public prosecutor of the court within its territorial jurisdiction, according to the provisions of the law, particularly Articles 259 and 260. As the public prosecution is generally an essential party in judicial proceedings²², its role can be highlighted as follows:

- Participating with the president of the specialized commercial court in determining the number of sections in accordance with Article 536 bis 3.
- The public prosecution's involvement in the compulsory execution of judicial decisions through the use of public force, as per Article 604 of Law 08-09.
- The public prosecution has a significant role in disputes concerning commercial companies, particularly in supervising joint-stock companies, as outlined in Article 715 bis 4 and following of the Commercial Code.
- The public prosecution's role in bankruptcy cases, especially in matters of commercial rehabilitation, fraudulent bankruptcy, and negligent bankruptcy, according to Articles 378 and following of the Commercial Code.

Third: Course of Litigation: Legislative Development in Line with the Requirements of Commercial Life

According to Article 536 bis 4 of Law 08-09, the President of the specialized commercial court appoints a judge by ordinance on a petition within a period of 5 days to initiate the conciliation process within a maximum period of 3 months, based on the submitted conciliation request. The appointed judge is responsible for notifying the other parties of the dispute about the date of the conciliation session. Conciliation, as defined in Article 459 of the Civil Code²³, is a contract by which the parties terminate an existing dispute or prevent a potential dispute by mutually renouncing their rights. Thus, conciliation involves three elements: an existing or potential dispute, the intent to resolve the dispute, and the mutual renunciation of rights by the parties. It is noteworthy that the conciliation procedure before filing a lawsuit is mandatory.

The judge appointed for the conciliation process may enlist the assistance of any person deemed appropriate to facilitate the conciliation under the best possible conditions. Here, we distinguish between two scenarios. In the first scenario, where the conciliation is successful, the appointed judge drafts a minute confirming the successful conciliation, which is then signed by the parties and the clerk. This minute serves as an enforceable title under Article 993 of Law 08-09 after it is filed with the clerk office in accordance with the legally prescribed procedures. In the second scenario, where the conciliation fails, a lawsuit is initiated and filed with a statement of claim, accompanied by the minute of failed conciliation, under the penalty of formal inadmissibility as stipulated in Article 563 bis 4, paragraph 3 of Law 08-09.

The lawsuit is filed in accordance with the general rules set forth in the Code of Civil and Administrative Procedure. It is essential to comply with the conditions for the admissibility of the lawsuit, whether related to its form or content, concerning the statement of claim. The legislator has not detailed the specific procedures to be followed before the specialized commercial court²⁴, only emphasizing the necessity of attaching the minute of failed conciliation to the statement of claim; otherwise, the lawsuit will be rejected in form.

With respect to the adjudication of disputes, paragraphs two and three of Article 536 bis 2 of Law 08-09 stipulate that the specialized commercial court convenes under the presidency of a judge and with the assistance of four assistants. In the event of the absence of one assistant, the court still convenes validly. However, if two or more assistants are absent, they are replaced consecutively by one (1) judge or two (2) judges. The legislator has determined that the judgments issued by the specialized commercial courts are subject to appeal before the Court, in accordance with Article 536 bis 5 of the same law.

Conclusion:

The Algerian legislator has taken significant and commendable steps as part of a series of reforms in the field of judicial work. To keep pace with commercial developments within the electronic and digital environment, the legislator has revitalized the specialized court with enhanced efficiency and flexibility. This was achieved through its composition and its understanding of commercial and economic customs and practices, aiming to find solutions and resolve disputes related to commercial matters.

Among the findings reached are:

- 1- The specialized commercial court finds its historical origin in Lithuania, established to swiftly adjudicate disputes arising from various commercial and financial dealings between merchants.
- 2- It is noteworthy that Algeria had specialized commercial courts during the colonial era, similar to those in France. Four courts were established in major Algerian cities with significant commercial and economic activity at the time, namely Annaba, Oran, Algiers, and Constantine. These courts operated under the same legal framework as the commercial courts in France, until they were abolished by Decree No. 63-69 dated March 1st, 1963.
- 3- The Algerian legislator reinstated the specialized commercial court with regulatory rules and provisions under Law No. 22-07 dated May 5th, 2022, and Law No. 22-13 dated July 12th, 2022.
- 4- The specialized commercial court is defined as a court competent to consider and adjudicate, at first instance, disputes of a specific commercial nature, presided over by a judge and four assistants as a general rule.
- 5- According to Article 536 bis of the Code of Civil and Administrative Procedure, the specialized commercial court has jurisdiction over intellectual property disputes, disputes related to commercial companies during their formation, operation, dissolution, liquidation, and division, judicial settlement and bankruptcy disputes, disputes involving banks and financial institutions with merchants, maritime and air transport disputes, insurance disputes related to commercial activity, and international trade disputes.
- 6- The territorial jurisdictions of the specialized commercial courts are defined by Executive Decree No. 23-53, which stipulates in Article 2 that

the number of specialized commercial courts is set at twelve (12) across the national territory.

- 7- The specialized commercial court is composed of the president of the specialized commercial court, departments headed by a judge and four assistants for each department, a representative of the public prosecution, and the clerk office of the specialized commercial court.
- 8- The president of the specialized commercial court appoints a judge by ordinance on a petition within 5 days to initiate the conciliation process within a maximum period of 3 months, based on the submitted conciliation request. If the conciliation process fails, the case is filed and registered with a statement of claim accompanied by a non-conciliation minute, under the penalty of formal inadmissibility, in accordance with Article 563 bis 4, paragraph three of Law 08-09.
- 9- The legislator has determined that judgments issued by the specialized commercial courts are subject to appeal before the Court of Appeals, as per Article 536 bis 5 of the same law. This is conducted before the commercial chamber at the Court of Appeals with jurisdiction over the specialized commercial court, and subsequently before the Supreme Court.
- 10- In the event of the absence of one assistant, the court still convenes validly. However, if two or more assistants are absent, they are replaced consecutively by one judge or two judges.

Recommendations:

Considering the novelty of the specialized commercial court, it would be premature to make definitive judgments or assessments about its performance. However, upon reviewing the overall legal and regulatory framework governing it, it can be said that there is a clear intention on the part of the legislator to enhance its independence and support for the commercial and economic environment. This aims to stimulate both domestic and foreign investment.

In conducting our research, we have identified some shortcomings and proposed solutions for them. These proposals and recommendations are an attempt to address the gaps and identify areas of improvement to meet the needs and keep pace with developments and changes. These recommendations are summarized as follows:

- 1- The necessity to repeal Article 32 of the Civil and Administrative Procedure Code, which contradicts the provisions of the specialized commercial court's qualitative jurisdiction.
 - 2- The imperative to establish specialized training for judges in commercial matters, incorporating commercial judiciary specialization into the curriculum of the Higher Judicial School, given the developments in finance and business environments (emergence of smart and digital contracts, e-commerce, metaverse technology, blockchain technology, smart and automated contracting, digital and electronic currencies, etc.).
 - 3- The need to establish a code of ethics for judicial assistants, including their legal obligations (such as property declaration, etc.).
 - 4- To enhance efficiency and accuracy in adjudicating commercial disputes, and to truly enforce the principle of expediency demanded by the commercial environment, it is advisable to divide the departments of the specialized commercial court according to specialties, with one department for disputes related to commercial companies, insolvency, and judicial settlement, and another for maritime disputes, air transport, and insurance disputes related to commercial activity, and so on.
 - 5- It is noteworthy that the Algerian legislator has limited the jurisdiction of the specialized commercial court to the same jurisdiction that was under the jurisdiction of a the Tribunal of the court's headquarters (Law 66-154) and under specialized poles (Law 08-09).
 - 6- The necessity to provide equal and appropriate compensation to judicial assistants for the nature of their tasks, to relieve them from pressure.
 - 7- The imperative to ensure representation of litigants by specialized lawyers in commercial and economic matters before the specialized commercial court.
 - 8- The necessity to address the deadlines for filing a lawsuit after preparing a minute of failed reconciliation.
 - 9- The need to clarify the legal procedures and regulations when a judge seeks the assistance of any person in the reconciliation process (Article 536 bis 4), such as whether parties have the right to object, what are the consequences, and whether the assisting person is entitled to fees for that.
 - 10- Precise determination of the jurisdiction of the public prosecution in the specialized commercial court.
 - 11- The necessity to establish and consolidate specialized commercial appellate courts in accordance with the principle of two-tiered adjudication.
 - 12- Given electronic and digital transactions, the legislator should begin preparations for the adoption of electronic courts.
 - 13- Organizing training sessions and scientific events in this field.
 - 14- Signing agreements and work projects with leading specialized commercial courts in this field to train judges and assistants, especially given the technological and digital developments in the finance and business environment.
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- 2- Haider Mahdi Nazal, al-Ikhtisas al-Nu'ayy li Mahkamat al-Bada'ah al-Mukhtasah bil Da'awat al-Tijariyyah, Journal of the Faculty of law, University of Al-Nahrain, Iraq, Volume 20, Issue 02, 2018, p. 145.
- 3- Law No. 22-07, dated 4 Shawwal 1443 AH, corresponding to May 5, 2022, bearing judicial division, Official Gazette No. 32, issued on 13 Shawwal 1443 AH, corresponding to May 14, 2022, p. 04.
- 4- Law No. 22-13, dated 13 Dhu al-Hijjah 1443 AH, corresponding to July 12, 2022, amending and completing Law No. 08-09, dated 18 Safar 1429 AH, corresponding to February 25, 2008, bearing civil and administrative procedures code.
- 5- See Articles from Law No. 08-09, dated 18 Safar 1429 AH, corresponding to February 25, 2008, bearing civil and administrative procedures code.
- 6- Executive Decree No. 23-52, dated January 14, 2023, specifying the conditions and procedures for selecting assistants of the specialized commercial court, Official Gazette No. 02, issued on January 15, 2023, p. 17.
- 7- Executive Decree No. 23-53, dated 21 Jumada al-Thani 1444 AH, corresponding to January 14, 2023, specifying the territorial jurisdiction of the specialized commercial courts.
- 8- Djeddi Najat, al-Himaya al-Qanuniyya lil-Mulkia al-Fikriyya waqa Mutaqadiyat al-Tanmiya al-Mustadima, PhD thesis, specializing in private law, University of Algiers 1, Faculty of Law, 2018, p. 73.
- 9- Issued in Algeria the following laws to regulate this category of rights:
 - Ordinance No. 03-06 dated July 19, 2003, related to trademarks.
 - Ordinance No. 03-07 dated July 19, 2003, related to patents.
 - Ordinance No. 03-08 dated July 19, 2003, related to industrial designs.
 - Law No. 05-03 dated February 2, 2005, related to seeds, seedlings, and the protection of plant tenure.
- 10-It is the right acquired by the author on their intellectual production, whether artistic or literary. The author is anyone who produces implicit or intellectual production, regardless of its type or means of expression. Copyright is a special type of right and has a dual legal nature. The Algerian legislator regulates this type through Decree No. 03-05 dated July 19, 2003, related to copyright and related rights
- 11-Hachi Mohamed Amine, Ben Salem Ahmed Abderrahmane, and Chetatha Lina, Legislative Framework for the Rights and Obligations of Partners in Commercial Companies According to Algerian Law, Al-Midad Journal, University of Djelfa, Volume 13, Issue 1, July 2023, p. 30.
- 12-Ben Salem Ahmed Abderrahmane, Social Interest as a Tool for Judicial Intervention to Ensure the Normal Operation of Commercial Companies in Algerian Law, Numerus Academic Journal, University Center of Maghnia, Volume 3, Issue 1, January 2022, p. 157.
- 13-Commercial Law issued by Ordinance No. 75-59 dated September 26, 1995, Official Gazette No. 77, issued on December 11, 1996, modified

- and completed, especially by Law No. 22-09 dated May 4, 2022, Official Gazette No. 32, issued on May 14, 2022.
- 14-Gaouri Tlemcani Zineb, *Dawr al-Qada' al-Tijari fi Hayat al-Muqawilah* Master's thesis in private law, Faculty of Legal, Economic and Social Sciences, University of Mouloud Mammeri, Academic Year 2016-2017, p. 25.
 - 15-In this regard, see Ben Salem Ahmed Abdel Rahman, *Al-Tahawul al-Iltizami lil-Sharikat al-Tijariyya* (Comparative Study), Journal of Legal and Humanities Sciences, University of Djelfa, Volume 15, Issue 1, April 2022, and also: Ben Salem Ahmed Abdel Rahman, *Athar Tahawul al-Sharikah al-Tijariyyah 'ala Mabda' Istimrar al-Shakhsiyah al-Ma'nawiyah* (Comparative Study), Journal of Legal and Social Sciences, Volume 7, Issue 1, March 2022.
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 - 17-Hadji Boualem, *Al-Nizam al-Qanuni li'l-Niyabah al-Aamah amam al-Mahakim al-Tijariyyah al-Mutakhassisa*, Master's thesis, specializing in legal and judicial professions law, University of Jijel, Algeria, 2023, p. 23.
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 - 19-Maza Hanane and Boukrouir Said, *Al-Nizam al-Qanuni li-l-Mahakim al-Tijariyya al-Mutakhassisa*, Journal of Comparative Legal Studies, University of Chlef, Volume 09, Issue 01, 2023, p. 280.
 - 20-Executive Decree No. 23-53, dated January 21, 2023, specifying the territorial jurisdiction of the specialized commercial courts.
 - 21-Executive Decree No. 23-52, dated January 14, 2023, specifying the conditions and procedures for selecting assistants of the specialized commercial court, Official Gazette No. 02, issued on January 15, 2023, p. 17.
 - 22-Madane Mahdi, Mokni Ben Amar, *Al-Markaz al-Qanuni li-l-Niyabah al-Aammah amam al-Mahakim al-Tijariyya al-Mutakhassisa*, Algerian Journal of Legal and Political Sciences, University of Tiaret, Volume 08, Issue 01, 2023, p. 550.
 - 23-Decree No. 75-58 dated 20 Ramadan 1395 AH, corresponding to September 26, 1975, bearing civil law, Official Gazette No. 78, issued on 24 Ramadan 1395 AH, corresponding to September 30, 1975, p. 990, modified and completed.
 - 24- Unlike the French legislator who provided for some special procedures followed before the commercial court through Articles 853 to 878-1 of the Civil Procedure Code.