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**Report on Lebanon's Intellectual Property System
and Operation**

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**Japan External Trade Organization
Dubai Office
Intellectual Property Department**

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1. EXECUTIVE SUMMARY

This report analyses the Intellectual Property (the “IP”) law practice in Lebanon by reviewing the legislation, infrastructure, protection, and enforcement systems in place. The historical evolution of the Intellectual property legislation in Lebanon and the present day socio-economic factors are traced to understand the role they play in the protection and enforcement of the right holders. Furthermore, the attitudes of Intellectual Property right holders within Lebanon are also analyzed to better understand why some choose not to pursue enforcement in courts.

Second, each type of IP right will be analysed into in detail, namely Patents, Trademarks, Copyrights, Industrial Design and Geographical Indications. These IP rights are governed by the national IP Laws, which are spread in several legislations. The primary sources of IP legislations in Lebanon are:

- The Industrial Property Law issued by resolution No. 2385/24¹ issued on January 17, 1924, which is still applied on Trademark and Industrial Designs.
- The law on the Protection of Literary and Artistic property (Copyrights Law). Law No. 75/99 issued on April 13, 1999².
- The Patent Law No. 240 issued on August 7, 2000³.
- Legal articles in the Lebanese Penal Code, the Lebanese Consumer Protection law and the Lebanese Customs law that facilitate the protection of IP in Lebanon.

Several new draft IP laws are still under revision by the Lebanese Parliament, including several international treaties that Lebanon intends to adhere to soon.

Although these Laws may seem to be outdated, however in practice they provide adequate protection for the IP Rights and are considered compatible with the TRIPS Agreement.

Pursuant to the IP Laws, all IP Rights are registered before the IP Office Department formed within the Ministry of Economy & Trade. The IP Office department consists of the Head of the IP Department with 16 Examiners and 4 inspectors.

The IP Office located in the centre of Beirut was badly hit by the Beirut Port Blast on August 4, 2020 which destroyed its infrastructure including its hardware and software. Since then, the IP Office is facing breakdown in its systems which is causing delays in processing the applications.

Lebanon still adopts a deposit system where only formal examination is conducted in addition to a search in its database to confirm that the application does not infringe upon prior third-party rights. Thus, the registration timeline is quick, around 1 month from filing the application until receiving the registration certificate. As for the cost of registration, it is less costly than all other countries in the region, especially with the current devaluation of the Lebanese Pound.

In addition to the registration procedures, all changes made as to the applicant’s status, such as change of name and/or address in addition to assignment, mergers and acquisitions, licenses and voluntarily cancellation should be recorded at the IP Office.

¹ https://www.economy.gov.lb/public/uploads/files/7310_8240_8188.pdf

² https://www.economy.gov.lb/public/uploads/files/4600_3516_9524.pdf

³ https://www.economy.gov.lb/public/uploads/files/6061_8660_6573.pdf

The Lebanese IP Laws give the IP Right owner several options to enforce their rights through judicial or administrative procedures.

Until date, Lebanon does not have specialized IP Courts which deal in IP matters. All IP disputes should be dealt by the judicial courts whether civil or criminal depending on the criteria of each case. Each of the procedures will be detailed in the different sections of the types of Intellectual Property Rights (the "IPR").

In the last 15 years, majority of the Lebanese judges have gained sufficient knowledge and experience in dealing with IP disputes and issue very well drafted decisions in favour of the IP right holders backed by local or foreign doctrine and case laws. However, the continuous crisis that Lebanon is passing through since 2019 and the COVID-19 measures slowed down significantly the judicial procedures especially with the judges and court clerks strikes.

The crisis in Lebanon also affected the enforcement activities in Lebanon in the last couple of years due to the lack of resources and the change in the priorities of the authorities. Thus, there was a rise in the visibility of counterfeit and pirated products in the Lebanese market due to the lack of enforcement activities in addition to the higher demand on such cheap products by the Lebanese consumers. On the other hand, the economic and financial crisis has affected the purchasing power of Lebanese citizens and led to a high rate of poverty unemployment. Thus, the consumers in Lebanon are shifting to cheaper products including smuggled and counterfeit products which resulted in higher demand on illicit products.

This report includes analysis on some practical information regarding the IPR statistics such as the registrations in effect, the key court rulings, and enforcement activities. Please note that all fees mentioned in this report are based on the Lebanese Central Bank "Sayrafa" exchange rate, and are from the Lebanese Pound to the Japanese Yen; as such the rates are subject to change.

2. OVERVIEW OF THE IPR SYSTEM IN LEBANON

The IP Legislative system in Lebanon was first promulgated in 1924, with the issuance of the Law governing Commercial and Industrial Property. This law was comprehensive at that stage, covering all the IP Rights. In the 1990's the government, to reform the system, issued two new laws. These include the law on the Protection of Literary and Artistic Property (Copyright Law) (1999) and the Patent Law (2000), who are independent legislations. However, Trademarks and Industrial Designs continue to be governed by the 1924 Resolution, with draft laws still under revision⁴⁵. Moreover, certain penal code articles (articles 702 to 714) provide a mechanism to pursue and stop any counterfeit or infringement of IP rights.

The Consumer Protection Law No 659 issued 2005 articles (article 48 and 109, 111 and 114, 122)⁶ also addresses the circulation of counterfeit products from a consumer protection point of view, while the Customs Law, promulgated by Decree No 4461 issued on the 15th of December 2000⁷, in its articles 62, 63 specifies that it is forbidden to import products which bear a counterfeit mark. The Customs Law also bans the transit and re-exportation of counterfeit products through the Lebanese territories and borders.

An IP Office is formed within the Ministry of Economy and Trade, who is in charge of registering trademark, copyright, industrial design and patent applications.

⁴ https://www.economy.gov.lb/public/uploads/files/3743_6860_2795.pdf

⁵ https://www.economy.gov.lb/public/uploads/files/1021_2507_3424.pdf

⁶ https://www.economy.gov.lb/public/uploads/files/8282_2393_9984.pdf

⁷ http://www.customs.gov.lb/Files/Laws/law_en.pdf

While Lebanon is one of the first countries in the region to have implemented an IP rights legislation, and protected these rights, and it continues to endeavor to do so, despite the many difficulties the nation is facing, here are some of the challenges faced, which must be addressed in order to move forth on this front.

Challenges to the IP Rights System in Lebanon:

Outdated Legislation

The main challenges related to the IP sector in Lebanon market is the fact that the legislation in place is relatively outdated.

The Commercial and Industrial Property Law, which governs Trademarks and Industrial Design, was issued in 1924, which is pre-establishment of the Lebanese State. Moreover, even the laws which have been updated, such as the Copyright Law (1999) and the Patent Law (2000), have now some 23 years in lapse.

There are new draft laws, but these have not yet been promulgated. However, we cannot deny the flexibility provided by the Trademark and Industrial Design Law, and the fact that it has provided protection to those rights, in line with the advancements to the sector and definitions provided for IP rights around the world.

Crisis and Diverging Priorities

Due to the economic and political crisis witnessed in Lebanon and the diverging priorities, IP matters have not been a priority for the Lebanese Government for quite some time. After being among the Lebanese Government top priorities in the late 1990's and early 2000, given that Lebanon was negotiating accession to the WTO, the IP Reform lost its importance due to consecutive political, economic, monetary and banking crisis in Lebanon not to mention the Beirut Port blast which destroyed the capital infrastructure and had catastrophic consequences.

Additionally, the enforcement activities have also been hit by the crisis, given the very limited resources of the enforcement authorities in terms of budget and human resources and due to the change in the priorities, whereby the vested efforts are directed to preserving the security situation in the country and to avoid any insecurity in addition to the current and the consecutive strikes by public employees and the judiciary.

IP Office Network Damage and Update

The IP Office is in the centre of Beirut and was highly affected by the Beirut Port blast in 2020, with all the equipment being damaged, and the network at the IP office, whether hardware or software network being old and requiring update, has put a strain on the whole IP system in the IP Office. The IP Office is facing breakdowns in its systems due to the lack of maintenance.

Insufficient Data and Statistics

Lebanon has a lack of data and statistics in all fields and especially in relation to IP and counterfeiting. This is mainly due to the fact that enforcement activities are not centralized and can be done through different authorities. In addition, the IP right holders prefer to keep the information regarding the seizure of counterfeit products confidential to avoid any reputational risk.

Lack of Enforcement Activities

The last couple of years witnessed a significant reduction in the number of enforcement activities due to the lack of resources and budget and the change in the priorities.

Increase in Counterfeit

Since October 2019, Lebanon is suffering from a severe economic, financial, and banking crisis. Due to this crisis, the exchange rate of Lebanese Pounds has collapsed and reached unprecedented rates. On the other hand, the economic and financial crisis has affected the purchasing power of Lebanese citizens and led to a high rate of unemployment. Thus, the Lebanese consumers are shifting to cheaper products including smuggled and counterfeit products which resulted in higher demand on illicit and counterfeit products.

The lack of enforcement activities along with the higher demand on cheap products, have significantly affected the widespread of counterfeit products in the Lebanese Market.

Recent Updates Related to IPR in Lebanon

In terms of the updates related to IPR in Lebanon, the draft laws were sent to Parliament in 2007. However, given that they were not enacted, these laws were sent back to the relevant legislative commissions for study and update. These draft laws include:

- 1- Geographical indications law
- 2- Trademark law
- 3- Industrial Designs Law
- 4- Implementing decrees to the “collective management” – Ministry of Culture Decree No 918 dated 11 November, 2007.
- 5- Amendment to the Copyright law.

Moreover, the 2022 Special 301 Report⁸ removed Lebanon from the “the US watch list”.

2.1 Overview of the Intellectual Property Office of Lebanon

Decree No. 4037 dated 5 October 1945 established the Ministry of Economy & Trade and consequently the Intellectual Property Office of Lebanon (the “IP Office”) was formed as a section under the General Directorate of Trade pursuant to Article 6 of this decree. Due to the importance given to IP in mid-1990’s, the government in 1996 decided to upgrade and enlarge the IP Office and transformed it into a department, particularly as Lebanon was in dialogue to enter the WTO. The change into the structure of the IP Office –from section to department was accomplished done by virtue of Law No 538 issued on 24 June 1996. The IP Office in Lebanon is called by now the Department of Intellectual Property Protection Authority.

The IP Office is centrally located in Beirut and was directly affected by the Beirut port blast on 4 August 2020. The registered address of the IP Office is: Riyadh El Soleh - Beirut Downtown, Azarieh Building⁹. The website of the IP Office is [available here](#).

The IP Office has three roles, the first one being related to the registration of IP rights, and the second as an enforcement authority, and finally as being an active component in updating the legislation and enhancing the IP ecosystem and environment in the country.

⁸ The 2022 Special 301 Report is a US annual report that put a spotlight on foreign countries and the laws, policies, and practices that fail to provide adequate and effective IP practices. More details are found at: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ustr.gov/sites/default/files/IssueAreas/IP/2022%20Special%20301%20Report.pdf](https://ustr.gov/sites/default/files/IssueAreas/IP/2022%20Special%20301%20Report.pdf)

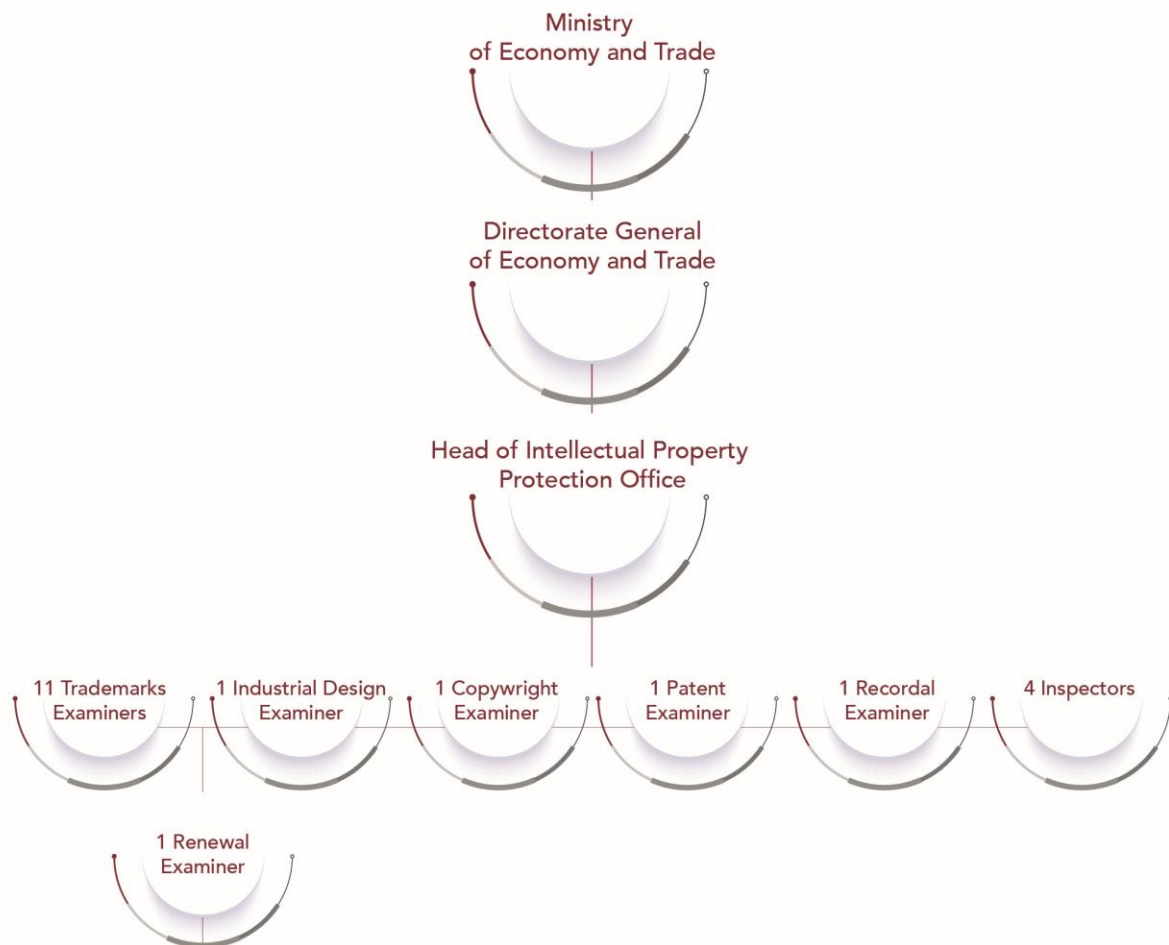
⁹ The location is found at:

<https://www.google.com/maps/dir/33.9970428,35.417637/%D9%88%D8%B2%D8%A7%D8%B1%D8%A9+%D8%A7%D9%84%D8%A7%D9%82%D8%AA%D8%B5%D8%A7%D8%AF+%D9%84%D8%A8%D9%86%D8%A7%D9%86%E2%80%AD%E2%80%AD/@33.9292721,35.4928247,12z/data=!4m8!4m7!1m0!1m5!1m1!1s0x151f172a087230df:0x2de55be9ea4dd4ef!2m2!1d35.505518!2d33.8939385>

2.1.1 Organizational Structure

The IP Office Department is presided by a Head of the Intellectual Property Protection Department, with different examiners for Trademarks, Patents, Copyrights, Industrial Design, Renewal and Recordal examiner in addition to inspectors reporting directly to the Head of IP Department.

Organization structure



2.1.2 Number of Staffs and Examiners

The total number of staffs is 21, divided as follows:

- Head of the IP Department
- 11 Trademark examiners
- 1 Patent examiner
- 1 Copyright examiner

- 1 Industrial design examiner
- 1 Renewal examiner
- 1 Recordal examiner
- 4 Inspectors

2.1.3 Existence of Formal and Substantive Examination

Lebanon is still adopting a deposit system, rather than an examination system in its IP registrations. Therefore, only a formal examination is conducted, to ensure that all the required documents are submitted, and a quick review is done in the database to ensure that the application does not infringe upon third party rights.

There is no substantive examination procedure in Lebanon.

2.1.4 Obtaining information from the Official Gazette

The Official Gazette is published in hard copy on a weekly basis and can be accessed online with a valid subscription. It is delivered as per subscription against a fee. The annual fee to register to the Official Gazette as of 1 July 2021 for the hard copy is LBP/780,000/ (2,715 ¥) for private sector, while public sector it is LBP/500,000/ (1,700 ¥). For the print edition for those residing outside of Lebanon it is LBP/2,762,000/ (93,310 ¥). Each individual copy is for LBP/15,000/ (51 ¥). For online subscription, the annual fees are LBP/750,000/ (2,550 ¥) for the private sector and LBP/350,000/ (1,190 ¥) for the public sector.

The link to the Official Gazette is www.io.pcm.gov.lb

The publication of an IP right after the registration is mandatory, and the payment of publication fees is part of the whole IP registration fees, that is paid in advance, prior to publishing at the time of registration.

All information related to any new Trademark, Industrial design, Copyright and Patent filing is included in the Gazette, including any strike-off, change of name and/or address, any amendment, assignment, licensing or any change in ownership.

Publication in the Official Gazette is only done after the registration due to the lack of opposition procedures. The time frame between the registration of the IP right and its publication in the Official Gazette is up to six (6) months.

The online Official Gazette system is considered as an efficient tool to conduct an online IP rights search, as the database dates to the 1940's and its data is more complete than the database at the IP Office.

2.1.5 Budget

There is no specific budget dedicated to the IP Office department, since it is part of the Ministry of Economy & Trade, and the latter's budget is as per the annual government budget. However, we should mention that with the inflation and the devaluation of the currency, the budget allocated to the IP Office department is very limited and not sufficient to conduct any enhancements or developments at this level. Each section mentions the specific registration fees.

2.2 National IP Laws and Regulations

As previously mentioned, the national IP laws are spread between several laws. Some of these laws were issued in the past 20 years, while others date back to 1924. Moreover, some IP provisions are referenced in legislations such as the penal code, the Consumer Protection Law, and the Customs Law.

While Lebanon does not have a National IP Policy and Strategy, the general IP guidelines are being prepared in collaboration with the World Intellectual Property Organization (the “WIPO”).

Below you may find a list of the primary IP legislation in Lebanon:

- Law Governing Commercial and Industrial Property (Excluding Copyright & Patent Provisions) issued by Resolution No. 2385/LR of January 17, 1924 with its amendments.¹⁰
- Protection of Literary and Artistic Property (Copyrights Law). Law No. 75 of 1999 issued on April 13, 1999¹¹.
- Patent Law No. 240 issued on August 7, 2000¹².
- Criminal Code. Law No.340 issued on March 1, 1943 (Articles 702 to 714)¹³.
- Consumer Protection Law No. 695 issued on February 4, 2005 – Articles 48, 109, 111, 112, 124¹⁴.
- The Customs Law, Decree No. 4461 issued on December 15, 2000¹⁵.

2.3 Is IP Legal System Based on Common Law, Civil Law, or a Mixture of Both?

The IP legal system in Lebanon is based on the Civil Law, since Lebanon is a civil law legal system, and its codes are based on the French codes. It is worth mentioning that Lebanon was under the French mandate when the first IP Law was issued in 1924.

2.4 History, origin, and model countries of the legislation

In Lebanon, the protection of Intellectual Property was first legislated under the Ottoman Empire in isolated texts that evidenced the existence of such protection.

However, the first Law that was promulgated in this respect was Law of 12 of Jumada al Awwal, 1328 Hijri (1910). This law, inspired by the European ones, granted authors the property right over their literary and artistic creations such as painting, books, and music. Copyright was guaranteed to the author of the work during his

¹⁰ https://www.economy.gov.lb/public/uploads/files/7310_8240_8188.pdf

¹¹ https://www.economy.gov.lb/public/uploads/files/4600_3516_9524.pdf

¹² https://www.economy.gov.lb/public/uploads/files/6061_8660_6573.pdf

¹³ <https://wipolex.wipo.int/en/text/243255>

¹⁴ https://www.economy.gov.lb/public/uploads/files/8282_2393_9984.pdf

¹⁵ http://www.customs.gov.lb/Files/Laws/law_en.pdf

lifetime in addition to 30 years after his death, whereas a translator was given 15-year protection in addition to his lifetime period.

Few years after the fall of the Ottoman Empire, in 1923, under the French mandate, an Intellectual Property Protection Bureau was created, and the French High Commissioner issued Resolution No. 2385 of January 17, 1924, known as the Regulation of Commercial and Industrial Property Rights which is still partially in effect today with regards to Trademarks and Industrial Designs, given that new legislations were issued for Copyrights and patents and thus they are not governed anymore by this Resolution.

2.5 Examination Guidelines

Lebanon still adopts a deposit system, whereby there is only a formal examination system in place, but no substantive examination guidelines.

The examiner only makes sure that all the required documents and payments are deposited, as well as conducts a quick verification in the database to ensure that the IP right does not infringe upon third party rights.

In order to reduce the number of disputes which may arise due to deposit system in relation to Trademarks, the IP office following the database search, notifies the applicant if there is an identical or confusingly similar trademark registered in the same class or under another similar class and requests that the applicant either abandon his application or sign a letter of acknowledgement stating that he was notified of this prior registration, and despite this he is insisting to register it and therefore the IP Office does not hold any liability, and therefore the applicant shall be fully liable of this unlawful registration. For well-known marks or geographical indications, the IP office rejects the registration of the infringing marks, and this cannot be resolved by the signature of an acknowledgement of liability.

2.6 International Treaties that Lebanon is a Signatory to

Lebanon has ratified the most important international conventions for the protection of IP. The International Legal Framework comprises, Berne Convention, Rome Convention and WIPO Convention.

Lebanon has ratified the following Treaties:

- The application of the Berne Convention Agreement to Eastern countries under the French mandated authority. Resolution No. 141/LR Issued on June 28, 1924.
- The Madrid Convention for the Repression of False or Deceptive Indications of Source of Goods. Decision No 152/LR dated 19/07/1939
- The application of the Paris convention for the protection of Industrial Property and the Madrid Agreement for the repression of false or deception indications of source on goods. Resolution No. 152/LR Issued on July 19, 1939.
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961). Ratification in 1997 by virtue of Law No 585 dated 24 July 1997.
- The authorization to ratify the Nice Agreement concerning the international classification of goods and services for purposes of the registration of marks. Law Issued on 14 December 1959.

- WIPO Copyright Treaty approved by the Council of Ministers by virtue of the law No 78 dated 6 March 2010.
- WIPO Performances and Phonograms Treaty, approved by virtue of Law No 77 dated 6 March 2010.
- The authorization to ratify the Patent Cooperation Treaty (PCT) Law No 394 dated 5 June 2002.

3. Definition of IP Rights and Requirements for Qualified Applications

3.1 Patents

Patents are governed by Law No. 240 issued on 7 August 2000¹⁶. It starts by establishing that a patent is tied to an invention.

A patent is a title of ownership, which confers, to its owner, an exclusive right or a monopoly on the industrial and commercial exploitation of the intellectual work. The owner of the patent will have the exclusive authority to exploit his invention as he wishes, without the objection of any third party as he can prohibit third parties from making use of his invention subject matter of the Patent without his consent under penalty of criminal punishment.

It is worth mentioning here that a Patent is an attestation granting the inventor who has given the society a new mean to make things easier. By granting the inventor his Patent, the government safeguards the latter's intellectual work and encourages him to contribute to the evolution and development of his society and pushes him to provide more of his intellectual work.

3.1.1 Definition

There is no formal definition for a Patent in the Lebanese law, however since Lebanon has adhered to the WIPO Convention, it applies the definition provided therein: WIPO defines Patent as the exclusive right granted for an invention, which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem.

As mentioned, patents are linked to an invention. An invention is a new product, method, mean, composition, industrial method or manufacturing process. Not all inventions are eligible to be granted a patent as per the Lebanese legislation; some essential conditions must be fulfilled. Article 2 of Law No. 240 of 2000 determines the substantive conditions of patentability of inventions. To be subject to protection an invention should be **Novel, Creative and Industrially applicable**. Additionally, an invention enjoys an **industrial character** since it has to be industrially applicable, so it should be neither purely theoretical nor purely aesthetic.

Moreover, a distinction must be made between a discoverer and an inventor, the first one discovers a new product or method or even a substance without having done any scientific work although his discovery, if it meets the conditions of patentability, will be patentable, the second one offers the public a new product or method that result in a new application of a previous industrial process/method.

¹⁶ https://www.economy.gov.lb/public/uploads/files/6061_8660_6573.pdf

3.1.2 Requirements

Not all inventions can be protected as Patents. To be worthy of a patent protection, the formal conditions, as well as substantive conditions, must be fulfilled in an invention.

➤ Substantive Requirements

Article 2 of Law No 240/2000 stipulates the inventions which are subject to patent, if they contain an element of novelty, creativity and are industrially applicable. More specifically, the type of inventions to which a patent can be issued are as follows:

- A new industrial product;
- A new method which leads to the production of a new industrial product or a known industrial result;
- Every novel application of a known industrial method or means;
- A new group of known methods or means;
- Micro organisms;
- Novel or discovered plant products provided that it complies with certain conditions.

Article 4 of the same Law stipulates that **no invention should be contrary to public order or morality**.

The Lebanese law further requires that an invention be registered to be granted a patent protection. Therefore, we do not have protection for non-registered inventions.

Below is an in-depth review of the conditions of patentability:

- The Existence of an Invention

An invention is the result of an inventor's work, who has created or added a new element to what is already recognized by the public.

Therefore, based on the Lebanese law a patentable invention must consist of a new method that leads to the production of a new industrial product or a new method of executing a well-known industrial product, as it must be a new application of a familiar industrial method. This is to say that an invention is a new model, a specific thing having distinguishing characteristics from other similar things.

An invention may also be a new procedure, the new method or procedure to get an industrial result previously recognized or a whole new result or product.

Moreover, the complexity of what is subject to patent, involves legal, cultural, ethical and social considerations. The practice however has been that the patent is something concrete and physical, which results from human intervention in nature.

- Element of Novelty

An invention shall be the result of an inventor's work creating or adding a new element to what is already recognized by the public.

In other words, a patentable invention must consist of a new method that leads to the **production of a new industrial product or a new method of executing a well-known industrial product**, as it must be a new

application of a familiar industrial method. This is to say that an invention is a new model, a specific thing having distinguishing characteristics from other similar things.

An invention may also be a new procedure, the new method or procedure to get an industrial result previously recognized or a whole new result or product. Therefore, no new discovery, invention or application who prior to the date of deposit, was known to the public to be able to be executable, shall be deemed as creative.

Such novelty must be certain and real, that it be executable, whether such novelty be in the country of creation or in another. However, we should mention that should an invention be made public for some reason prior to its registration, it will lack the characteristic of being a “novelty”, and thus will not be eligible for registration.

- **Element of Creativity**

Creativity is the most challenging condition to be assessed. It is defined in French law as in the Lebanese law by the following: *“an invention is creative if the person skilled in the art cannot invent it based on the previous art. However, should a dispute arise as to the element of innovation or novelty, the one claiming against this shall have the burden of proving such”* (Article 2 of the Patent Law)¹⁷.

Moreover, the creative invention should be **characterized as distinctive**.

- **Element of Industrial Applicability or Utility**

An invention is deemed industrially applicable if such could be manufactured or utilized in any industry. It therefore must not be a purely abstract concept.

The utility aspect of a patent entails that the invention be new and useful process, machine, manufacture, or composition of matter, or a new and useful improvement thereof, it generally permits its owner to exclude others from using, or selling the invention for a period of up to twenty years from the date of patent application filing, subject to the payment of maintenance fees.

Industry was defined in Article 1 of the Paris Union Convention as amended: “Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers, and flour.”

Thus, we must consider the term “Industry” in this regard as taken in the widest sense, including activities whether for profit or not.

WIPO explained in its study on the fields of intellectual property that the term industrial should mean any industry and has further clarified the difference between industrial activities and industrial applicability; the first one means a technical activity and industrial applicability means the application of an invention by technical means.

¹⁷ https://www.economy.gov.lb/public/uploads/files/6061_8660_6573.pdf

➤ **Inventions not subject to patent**

A patent is granted to the inventor, particularly if his invention will serve the public in general. In opposition to that, the invention must not be contrary to public order or morality. What is meant by that is that unethical inventions are categorically not patentable. Unethical inventions are those that stimulate instincts whether sensational or addictive such as gambling machines. Inventions which cannot be patentable, are those which go against morality, such as the process of “cloning human beings”.

Consequently, an invention, even if it fulfils the above criteria but is contrary to public order and morality, will be prohibited from protection.

Medical inventions are of particular importance, given the effect they have on the general public wellbeing. Although, **pharmaceutical products** can be patentable, the law in **Article 3 restricts the granting of a patent** to “Methods of medical diagnosis or treatment related to humans or animals but not products or utilities for use in such methods”.

These inventions are excluded, to ensure that the ones carrying out these medical treatments are not hindered by patents. This is to ensure the ethical aspect of such treatments, so that doctors are free to diagnose illness by means of investigative methods. These exclusions therefore concern the methods of medical and veterinary treatments, thus the use of drugs, or apparatuses or products are in themselves subject to patents.

On the other hand, natural resources are considered as being available and not a creation of mankind, therefore patents are not granted, particularly to such elements as fungus found in nature, and which can be subject to natural supplements. However, should such natural elements be utilized in a factory and converted process, then as such can be granted patent protection.

Besides, the new law added the micro-organic products to the patentable inventions because they derive from scientific laboratory studies, as well as, the pharmaceutical, cosmetic products, and herbal medications.

Moreover, patents are not granted to simple discoveries, which were present prior to the intervention of mankind. For invention, to be subject to patent registration must be created by the human mind.

Finally, patent is not granted for scientific theories, given that it grants an exclusive right to exploit, and one cannot benefit from it, if kept under application without possibility of exploiting it.

Article 2 of the Patent Law No 240 of 2000 lists down the types of inventions which can be granted patents:

- a. A new industrial product (The object of the invention must be industrial or its application or output must be industrial). The term “industrial” product must be taken in the large sense of the word.
- b. A new method that leads to the production of a new industrial product or a known industrial result, which means, it cannot be an “enhancement” to an existing invention.
- c. Every Novel application of a known industrial method or means,
- d. A new group of known methods or means,
- e. Micro-Organisms; and
- f. Novel or discovered plant products provided that it complies with all the following conditions:
 - Distinguished from all previously known varieties by a rarely changeable specific and important advantage; or by several advantages that collectively form a Novel plant variety.
 - Homogeneity of advantages.
 - Stability i.e., by the end of each production cycle it remains identical to its first definition.

➤ Un-patentable Inventions

Article 3 of the Patent Law no 240 of 2000 excludes from patent protection the following inventions:

- Scientific discoveries and theories and absolute mathematical methods that are not industrially applicable
- Principles and means of performing purely mental activities in economic or financial fields or in playing games, such as the chess game or scramble. The game itself is patentable, what is excluded from patenting is how the game is played or used.
- Methods of medical diagnosis or treatment related to humans or animals but not products or utilities for use in such methods; The products and equipment used to apply these methods are patentable should they be novel, creative and legitimate.

Of note, is that the **new medical diagnosis methods are excluded from patent** no matter the efforts made by doctors or scientists for discovery or conclusion, these medical diagnosis methods are not patentable to avoid their exclusivity and monopoly of exploitation since such methods preserve the life of human beings and animals. Similarly, to mental games, the mean of discovering or inventing a new diagnosis is not patentable yet; the exclusion targets the way of using the new medical diagnosis method.

3.1.3 Term of Protection

The term of protection for patents is **20 Years, non-renewable**. However, annuity fees should be paid during the years of protection to keep the patent alive. The failure to pay the annuity fees within the deadline will be considered as abandonment of the patent registration and thus it will fall in the public domain.

3.1.4 Application/Registration Procedure

3.1.4.1 Place of Application

The patent application must be submitted by the applicant or his legal representative to the Head of the Intellectual Property Protection Office, at the Ministry of Economy and Trade (MOET). The applicant does not necessarily have to be the inventor. It can be the one who has commissioned the invention.

Once the application has been received along with all the requested documents, a formal examination is undertaken by the Patent Examiner, and the Head of the Intellectual Property Protection Office organizes and signs a record in which he indicates the exact date and hour of payment of the application fees, as well as the documents attached. The payment of the application fee is essential as the date of payment is the date of registration of the Patent.

3.1.4.2 Eligibility

Every person or inventor has the right to file an application for a patent of invention, according to **Article 7 of the Lebanese Patent Law**:

- “Every person is eligible for filing a patent application.
- If more than one-person share a same invention, they shall share the right for the patent, once issued, on an equal basis unless otherwise agreed in writing.
- If several persons individually make the same invention, the right to the patent shall be entitled to the first applicant.”

Where several people have worked on the same invention, they will all have the right to file and get a patent. This right will be shared among them equally if no written contract stipulates otherwise. Moreover, if several

people come to the same invention, the ownership of the invention belongs to the inventor who gets to make the first application.

The right on the invention commences from the day of obtaining the patent and not from the date of creation.

It is noteworthy that the applicant may be a physical or a moral person, Lebanese or foreigner. His legal representative must be Lebanese. Hence, a foreigner wishing to file for a patent application before the competent authority must appoint a Lebanese agent or proxy for such application.

3.1.4.3 Requirements

As per Article 7 Law No. 240/2000 of August 7, 2000 on Patents the following documents are required to file a patent application in Lebanon:

- A duly notarized Power of Attorney should the application be made through a representative or agent on behalf of the applicant. In case the PoA is drawn outside of Lebanon, it should be legalized by the Lebanese Consulate in the country of origin.
- A document containing the title of the invention, a summary of the invention, a full description of the invention (detailing the methods to execute the invention and its industrial application, preferably with examples, statistics, etc.).
- An application list showing the novelty and creativity of the invention.
- An abstract of the invention in Arabic.
- A description of the drawings of the invention.
- A list of attachments.
- Original copy of the priority document if claiming priority.

In case the invention is a plant product, a prototype must be deposited in the central laboratory of the Ministry of Health. However, in practice this has not been applied.

WIPO stresses upon that the description disclosing the invention must be made in a manner sufficiently clear and complete manner allowing for the invention to be evaluated, and to be carried out by a person having ordinary skill in the art. This is of fundamental importance since one of the primary functions of the description is to provide new technical information to third parties. An important phrase to note in this requirement is “a person having ordinary skill in the art.”

This allows for a simplified description since it can be assumed that the reader will be an informed reader having the background knowledge, which makes it unnecessary to describe every essential detail of the invention. In this regard, the **Court of First Instance of Beirut in its Decision No 462 issued on 12 October 1962** applied Article 6 of the Decision No. 2385/24 (prior to the issuance of the new Patent Law in 2000) stipulating that the applicant must attach the drawings and maps necessary to understand the invention when the defendant claimed the plaintiff, the applicant made an insufficient description of the invention since the plaintiff did not attach explanatory drawings and maps.

3.1.4.4 Examination

As stated above, there are only formal examination procedures, rather than a substantive examination procedure.

The examiner only makes sure that all the required documents and payments are given, as well as conducts a quick verification on the database to ensure that the invention has not been registered before.

3.1.4.5 Period of Entire Registration Process

Since only formal examination is carried on, the registration process is considered relatively quick in comparison with other countries. It takes around one month to go through the entire registration process.

Based on Paris Convention, the applicant shall have the right to claim priority based on a previous application filed abroad. The patent application claiming priority should be filed within one year as from the first filing date abroad pursuant to Article 4 of the Paris Union Convention of 1883.

The Head of the Intellectual Property Protection Office shall issue the patent Registration Certificate based upon the documents previously mentioned to be submitted. A copy of the description of the invention, its abstract, drawings and figures (if available) and claims, together with the Arabic translation of the abstract and a list of the attachments, shall be presented with the Patent application.

Below is the chart of the procedure for filing a patent application.

Below is the chart of the procedure for filing a patent application.



3.1.5 Post-Registration

3.1.5.1 Registration Fees

Following the submittal of the application, and once the application has been accepted, after examination, and the patent is to be issued, the following fees must be paid.

Description	Amount in LBP / Yen
Registration Fees	LBP/50,000/ + 10% Municipality Tax (170 ¥)
Publication Fees (Calculated per line)	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
First Annuity Fees	LBP/100,000/ (340 ¥)
Stamp Fees on the Registration Certificate	LBP/100,000/ (340 ¥)

Subsequently, the Annuity fees shall be applicable for each year, increasing in amount by LBP/50,000/ (170 ¥) per year.

3.1.5.2 Rights of the Right Holder

Generally, Patent owners are granted the exclusive right to exploit the invention; this implies that any exploitation of a registered invention by a third party constitutes a violation of rights punishable by law.

The rights of a Patent owner such shall include without limitation the following (**Article 20** of the Patent Law):

- Manufacturing right of the product subject matter of the invention, displaying it, marketing it, utilizing it, offering it for sale, importing it and possessing it.
- Exploiting the method, subject of the invention, and offering such to third parties.
- Offering the product, being a direct result of the method, subject of the invention, marketing it, utilizing it, offering it for sale, importing it and holding it.

Additionally, if the subject of the patent is an industrial method, then the protection granted should include the products directly produced by utilizing such method.

3.1.5.3 Fees related to successful registration

Upon granting the Patent, the annual fees for the first-year amount to LBP /100,000/ (One Hundred Thousand Lebanese Liras / 340 ¥) are due.

In order to keep enjoying the rights arising out of the Patent, annuity fees are charged gradually.

However, until then the fees are due on the first day of every year following the application filing as follows:

Year	Annuity Fees
Second Year	LBP/150,000/ (510 ¥)
Third Year	LBP/200,000/ (680 ¥)
Fourth Year	LBP/250,000/ (850 ¥)
Fifth Year	LBP/300,000/ (1,020 ¥)
Sixth Year	LBP/350,000/ (1,190 ¥)
Seventh Year	LBP/400,000/ (1,360 ¥)
Eighth Year	LBP/450,000/ (1,530 ¥)
Ninth Year	LBP/500,000/ (1,700 ¥)
Tenth Year	LBP/550,000/ (1,870 ¥)
Eleventh Year	LBP/600,000/ (2,040 ¥)
Twelfth Year	LBP/650,000/ (2,210 ¥)
Thirteenth Year	LBP/700,000/ (2,380 ¥)
Fourteenth Year	LBP/750,000/ (2,550 ¥)
Fifteenth Year	LBP/800,000/ (2,720 ¥)
Sixteenth Year	LBP/850,000/ (2,890 ¥)
Seventeenth Year	LBP/900,000/ (3,060 ¥)

Eighteenth Year	LBP/950,000/ (3,230 ¥)
Nineteenth Year	LBP/1,000,000/ (3,400 ¥)
Twentieth Year	LBP/1,050,000/ (3,570 ¥)

It is worth mentioning that the registration fees and the annuity fees might be revised soon after the collapse of the local currency and the inflation rates.

The Patent holder is given a six-month grace period following the due date of the annuity fees. Nevertheless, the payment of the fees within the grace period will incur an additional fine of LBP/100,000.00/ (One Hundred Thousand Lebanese Liras / 340 ¥). The patent to which the annuity fee is not paid along with the fine (if due) within the grace period as mentioned above will lapse.

3.1.5.4 Licensing of Right to the Patent

One of the rights the patent holder detains is that to license the rights to his licensee. This is usually done in a license contract, against the payment of royalty fees.

The license agreement is then registered at the IP Office at the Ministry of Economy and Trade.

Writing Requirement

All agreements related to a patent or patent application and the rights thereto must be concluded in writing, it is a fundamental condition explicitly stipulated by **Article 23** of the Lebanese Patent Law.

The said article imposed the writing condition on all agreements concerning an invention; otherwise, such agreement will be null and void. Furthermore, it requires the recordal of this agreement before the Intellectual Property Protection Office and will be effective towards third parties commencing on its date of Recordal.

The registration shall take effect based on the request of one or more of the Licensees within three months of signing such agreement in addition to a grace period given to take into consideration the distance, and the following fees must be paid.

Description	Amount in LBP / Yen
Official Fees for the Recordal of Patent License	LBP/90,000/ + 10% Municipality Tax (306 ¥)
Publication Fees (calculated per line)	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Stamp Duty Tax	4/1000 of the value of the License Agreement
Delay Fine for each two-month delay in recording the Licensing	LBP/50,000/ (170 ¥)

Compulsory License

In line with the Paris Convention, the Lebanese Patent Law (**Articles 32 to 36**) provides for the granting of a compulsory license, that is a license which is not granted by the owner of the patent, but whereby the government allows someone else to produce a patented product, however only after three years from the date in which the patent has been granted. This is conditional upon the patent owner's failure to exploit the patent or to prepare for its exploitation, or even if he had started to exploit the patent, but later ceased to do so for no legitimate reason.

This request shall be submitted to the first instance court of Beirut, based on proof of efforts made by the Plaintiff that he took sufficient measures to try to obtain the Patent owner's approval to exploit the patent, without success. There is also the question of national emergency or force majeure which can be a basis for such request.

However, we should mention that this **compulsory license is not exclusive**. The Patent owner may ultimately refer to the Court to amend this compulsory license or terminate it, provided that new circumstances must be established to warrant such change.

Finally, the holder of the compulsory license may lose it, if he does not comply with the terms of the Court which granted him this license to exploit the patent.

To note that the patent owner will nevertheless receive a royalty fee in the case of the compulsory license (**Article 36**).

3.1.5.5 Renewal of Registration

Patents cannot be renewed. Once the initial term of protection ends, the patent lapses. It shall then fall in the public domain.

3.1.6 Enforcement of Rights

3.1.6.1 Enforcement Agency

The Enforcement Authorities may be judicial and/or administrative as per **Article 50** of the Patent Law. The Judicial Authorities are Judge of Summary Matters, the Public Prosecution, Criminal Judge and Investigative Judge, with the assistance of the internal security forces (ISF). In addition, the Administrative Authorities which are the IP Office and the Customs.

3.1.6.2 Judicial System and Courts regarding IP Protection

In Lebanon, there is no specialized IP Courts dealing in IP matters despite all the efforts and lobbying made in this respect.

Thus, IP cases are filed before the judicial courts, criminal or civil/commercial depending on the criteria of each case. The Lebanese Judicial system is organized by virtue of the Law of the judicial judiciary and the Judicial Organization issued by virtue of the legislative decree number 150/83 dated 16 September 1983. For more information on the division of the Lebanese Judiciary, please follow [this link](#).

The Judicial Courts in Lebanon are divided between Civil Court and Criminal Courts.

The Civil Courts include:

- Court of First Instance including:
 - o Single Judges.
 - o Chambers of the Court of First Instance
- Court of Appeal
- Court of Cassation

As for the Criminal Courts, they include:

- Public Prosecutions
- Investigative Judges
- Accusatory Chamber

- Criminal Single Judges
- Court of Appeal
- Court of Cassation

Only a registered patent can be protected, any violation of a registered patent constitutes a crime of counterfeit.

Notwithstanding the foregoing, offering, marketing, advertising and utilizing the counterfeit product with the intention of usage or marketing shall not constitute a crime on the part of the person doing such if he is not the manufacturer of the counterfeit product unless such act is done while being aware that the product is counterfeit.

Exploiting the invention for non-commercial, non-industrial personal aims or for scientific research reasons shall not be considered an infringement.

The patent owner has the right to file a counterfeit lawsuit, also the beneficiary of an exclusive right to exploit a patent or beneficiary of a compulsory license may take precautionary measures and file a counterfeit lawsuit after notifying the patent owner and the latter failed to file such lawsuit.

In addition to the patent owner and the beneficiary of an exclusive exploitation right, every licensee of the patent may intervene by the owner's side in the counterfeit case to receive indemnification for the damage incurred to him and resulting from the violation of the patent. Instigating, intervening and participating in infringement is also punishable pursuant to articles 42, 43 and 44 of the Lebanese Patent Law. Needless to say, for the infringement to occur the element of knowledge should be available.

➤ **Petition before the Judge of Summary Matters**

Law No. 240 of 2000 has granted the Patent owner the right to take all necessary precautionary measures to prevent any suspicious imminent patent infringement.

For this purpose, the Judge of Summary Matters may take all decisions authorized by the law, in order to ensure the protection of the Patent that is likely to be infringed. As well, he may impose coercive measures to enforce his decisions.

For this, a Petition should be filed before the competent Judge of Summary Matters requesting Ex-Parte Order to prohibit or to stop an imminent infringement. Pursuant to the execution of the Ex-Parte Order, a legal action in the merits, should be filed within 15 days as from the date of the record before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Ex-Parte Order.

In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take all precautionary measures referred to above.

➤ **Public Prosecution**

The Public Prosecution has the power to work on Ex-Officio basis in case of any violation of the Patent rights. However, in practice if the patent owner does not take measures to enforce his rights, the public prosecution will rarely act on its own.

Therefore, the Patent Owner or any right holder can and should file a Complaint before the competent Public Prosecution for patent infringement. The Complaint will be transferred to the Internal Security Forces (ISF) to investigate the matter and conduct a seizure if any.

Afterward, the Public Prosecutor will prosecute the infringers and will transfer the file to the competent Criminal Judge for trial. The case will flow in accordance with the legal procedures until the issuance of the Criminal Judge Decision.

➤ **Intellectual Property Office**

The Head of the Intellectual Property Office has also the power to work on Ex-Officio basis against any patent infringement.

The patent owner can also opt to file a complaint before the Intellectual Property Office. A Fee of LBP/100,000/ (340 ¥) in addition to 10% Municipality tax will be applied for each complaint. Inspectors from the Intellectual Property Office shall draft a seizure record including the details of the infringer, the seized materials and their quantities, and any other relevant information.

Pursuant to the seizure record drawn by the Intellectual Property Office Inspectors, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Customs Seizure**

The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials. This power is used by the Customs when inspecting shipments at the borders and inland through the Audit and Anti-Smuggling Unit.

Whenever the Customs seize any counterfeit products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized and destroyed. Otherwise, the products will be released.

Any right holder can also file a Petition to the Judge of Summary Matters to issue an Ex-Parte Seizure Order to seize any infringing materials at the borders.

Pursuant to the seizure record drawn based on a decision issued by the Judge of Summary Matters, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Cancellation Action**

Any third Party who considers that a Patent registration is infringing upon its prior rights or is not eligible for Patent registration, can file a cancellation action against this Patent before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry.

In addition to the cancellation of the infringing Patent, the Court might also decide to seize any infringing invention or equipment used in the infringement in addition to imposing indemnities upon the infringer and the publication of the Court decision in local newspapers.

3.1.6.3 Remedies

The infringer of a published patent, while being aware of such action, shall be penalized by a fine ranging from LBP/5,000,000/ (17,000 ¥) to LBP/50,000,000/ (170,000 ¥) and imprisonment from three months up to three years or by either of the penalties hereinbefore mentioned (**Article 42**).

These penalty amounts shall be doubled in case of repetition or in case where the offender has a contractual relationship with the patent owner (**Article 44**).

Those who violate a patent, either by aiding or abetting, or participating in the crime of imitation, shall also be punished by the payment of the above-mentioned sanction.

Secondary sanctions shall apply even in the event of an acquittal, by ruling a seizure order and have the goods destroyed, or things which have been accessory in violating the rights of the patent holder (article 48).

Additionally, the Court may rule conservatory measures, to preserve the rights of the Patent holder who is subject to violation

Pursuant to **Article No. 46 of the Patent Law**, the Court may impose upon the infringer the payment of indemnities for the moral and material damages taking into consideration the lost profit incurred by the Patent Holder and the profits made by the infringer.

In a cancellation action procedure, the Court shall order for the cancellation of the infringing patent in addition to other remedies available by law such as seizure and imposing of indemnities to the injured party and coercive fine for each day delay in executing the Court Decision.

3.1.6.4 Summary of the remedies with Comparison table

- Criminal remedy: Imprisonment / Fine – Indemnities – Destruction – Publication of the Courts decision
- Civil remedy: Indemnities – Seizure, confiscation and destruction of infringing products – coercive fine for each delay in executing the court decision – publication of the court decision – Cancellation of Infringing Registration.

Criminal Remedies	Civil Remedies
Imprisonment	Seizure
Fine	Confiscation
Indemnities	Indemnities
Destruction	Destruction
Publication of Court Decision	Publication of Court Decision
	Coercive Fine for each delay in executing the Court Decision
	Cancellation of the infringing patent

3.1.6.5 Flowchart of the process of the Enforcement

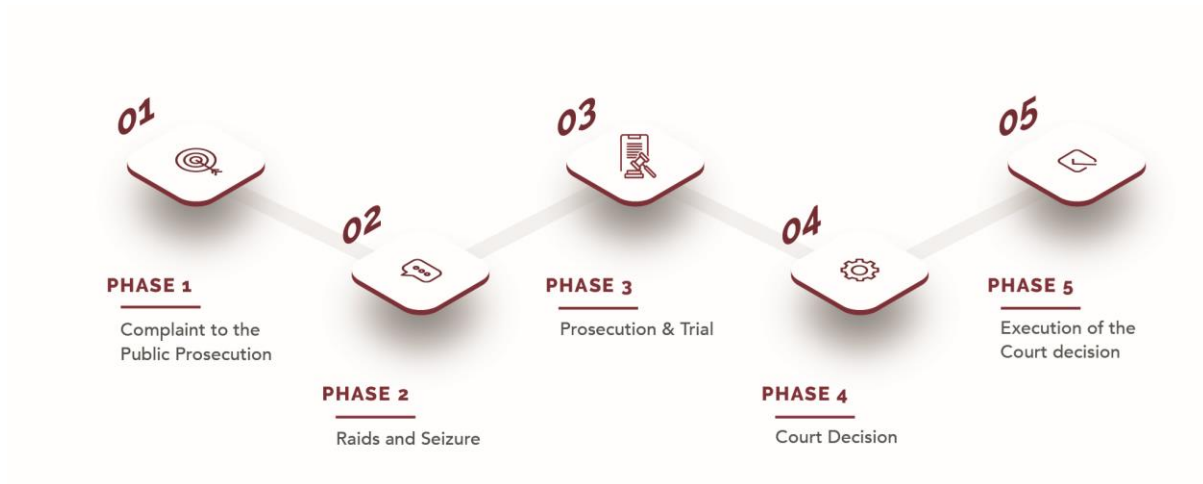
Complaint before IP Office at the Ministry of Economy & Trade



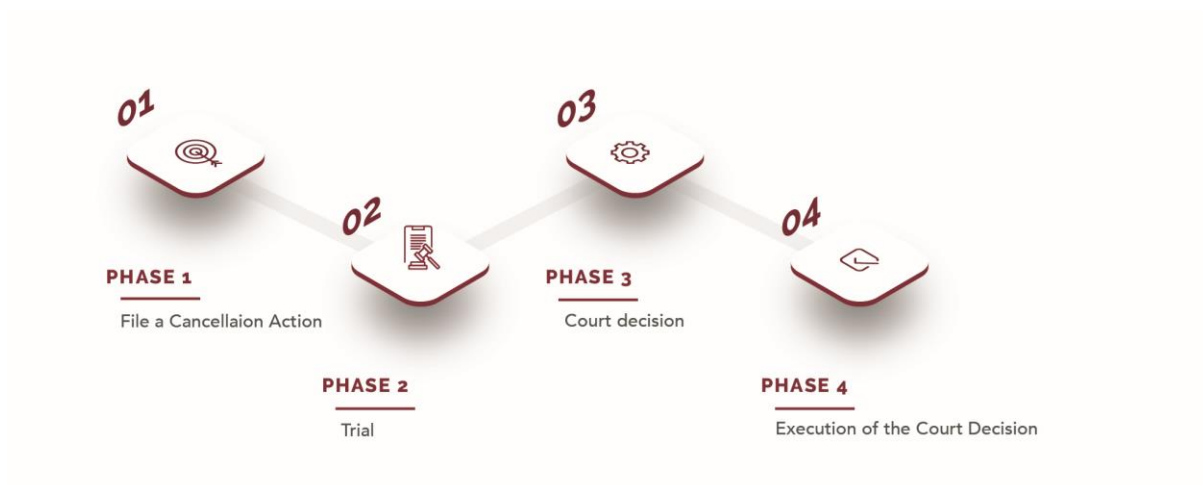
Petition before the Judge of Summary Matters



Complaint before the Public Prosecution



Cancellation Action Process



To mention that all these measures, and raids are usually conducted in collaboration between the legal representatives of the patent owner and the enforcement authorities.

Moreover, the court decisions may be subject to appeal and cassation in some instances by any of the parties.

3.2 Trademarks

Trademarks are means to distinguish products, services or brands from each other. In order to make its image, a business, a company or trader, creates a trademark, which is a symbol that represents the business and that will

be affixed on the products of the business or on the promotion of the services that it renders. However, trademarks are diverse and can be created within different categories/classes.

Lebanon is a country that can be said to have its own trademark, namely the “Cedar” tree, which goes back to the pre-biblical era in the history of this small nation, or the temples of Baalbek which also makes one think of this small diverse Mediterranean country.

Thus, if the country itself can be said to have its trademark, it goes without saying that trademarks are protected by the legal system in Lebanon. This system is governed by the Resolution No 2385/LR of 1924¹⁸ on Commercial and Industrial Property, and the chapters on Trademarks and Industrial Designs continue to apply till today.

3.2.1 Definition

In accordance with the definition given by “WIPO”: A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights.

Article 68 of the Resolution No 2385/LR, issued on 17 January 1924, defines the Trademark as being:

“Names written in a way which distinguishes them from others, titles, nomenclatures, symbols, stamps, letters, protruding marks and drawings, small drawings and figures, in general, any sign of any kind intended to bring benefit to the consumer, the factory owner and the dealer, by distinguishing between things and showing the identity, source, origin of goods, and the industrial, commercial or agricultural product, or the products of forests and metals shall be considered as trademarks for factories or trade”.

Therefore, the Trademark is a symbol that distinguishes the products of a business or the services that it renders. However, Trademarks are diverse and form different categories.

What is noteworthy in this definition, is despite that it is almost one hundred years old, it is quite vast and encompassing to numerous types of trademarks, even with today’s advancements.

3.2.2 Requirements

In Lebanon, the principle is that everything can be registered, except if the trademark contains any national or foreign symbols, includes a word, signal or symbol which is revolutionary or in breach of the public order or sound and good discipline (**Article 71**).

However, in practice, we have seen the following conditions of registration emerge and the reasons for rejection of the registration of a trademark:

- Trademarks that present similarities with already registered ones.
- If the name to be registered to designate a kind of products which is generic or descriptive.
- A disingenuous name that may mislead the consumer about the origin or the nature of the product such as for the term “natural” that is used on industrial or chemical products.

¹⁸ https://www.economy.gov.lb/public/uploads/files/7310_8240_8188.pdf

3.2.3 Term of Protection

Trademark protection term is **15 years (Article 78** of Resolution No 2385/LR of 1924), renewable for additional fifteen-year periods.

It is worth mentioning that the draft Trademark Law will reduce the duration of a Trademark to 10 years.

The calculation of the protection term begins from the date of the payment receipt for the deposit fee.

3.2.4 Application/Registration Procedure

3.2.4.1 Place of Application

Trademark application should be filed by submitting the application online through the IP Office portal <https://portal.economy.gov.lb/>. Trademark examiners will then proceed on the formal examination and notify the applicant on the status of the application. In addition to the online submittal, the applicant must also submit his application in hard copy at the IP Office.

3.2.4.2 Eligibility

Any natural or moral person, Lebanese or foreigner, can apply to obtain a registration of a Trademark online through the website of the Ministry of Economy and Trade. It is noteworthy that the applicant's legal representative must be Lebanese. Hence, a foreigner wishing to file for a Trademark application before the competent authority must appoint a Lebanese agent or proxy for such application.

3.2.4.3 Requirements

Given the formality examination, the following information and documents should accompany the application. Otherwise, it shall be considered null and void (**Article 79** of Resolution No 2385/LR of 1924):

- Name, address and nationality of the applicant.
- The original copy of the Power of Attorney (PoA). In case the POA has been organized within Lebanese territory, it should be granted through a notary. However, The PoA should be duly notarized and legalized up to the Lebanese Embassy at the country of origin, in case of foreign applicants.
- Three copies of the trademark design, specifying color and size if claimed;
- Type of business or industry which is practiced by the applicant;
- A very brief description of the trademark;
- The Cliché of the trademark;
- List of goods/services covered by the application and the relevant class.
- Original copy of the priority document if claiming priority.

Lebanon currently applies the 11th Edition of the Nice Classification System.

It is worth mentioning that Lebanon adopts a multi-class application system. Therefore, a Trademark Application can cover 1 or more classes in the same application. However, additional registration charges shall be applied for each addition class.

When claiming priority, pursuant to the Paris Convention, which must be done within six months from the registration abroad, the application must be accompanied with a copy of the filing certificates, which have been given for this trademark abroad, or certificates of provisional acceptance in trade exhibitions and fairs. Late filing of the priority document is possible, within 2 months as from the application date. The registration date shall be as from the payment of the registration fees, and the applicant shall have a grace period for the submittal of the aforementioned documents.

3.2.4.4 Examination

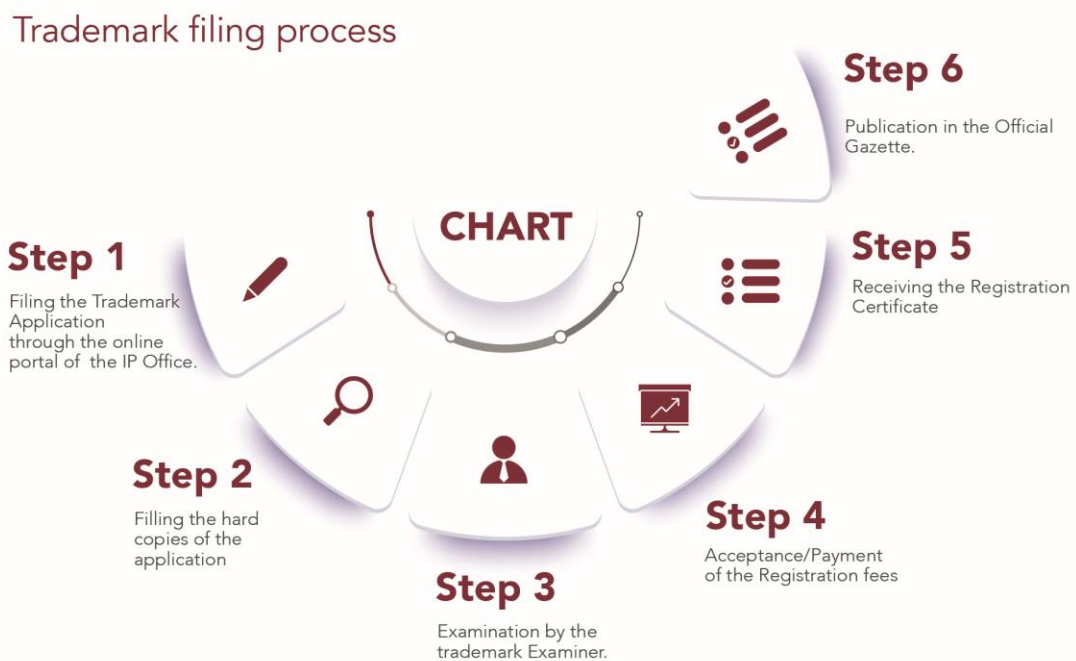
As mentioned, after the application has been submitted, it shall be examined by the IP Office at the Ministry based on several criteria such as the absence of any offense to the public order and morals, the existence of prior rights or if similar or identical Trademarks which are registered under the same class or similar class, and to make sure that it is not related to a foreign or national emblem.

Prior to examination, a clearance will be required from the Boycott Office if the Applicant is a foreigner to ensure that he is not listed on the Boycott Office blacklist. The registration is generally completed upon acceptance, and the certificate is issued within around two weeks of the registration date.

3.2.4.5 Period of Entire Registration Process

It takes around one month to go through the entire registration.

The below chart details the filing process:



3.2.5 Post-Registration

3.2.5.1 Registration Fees

Once the application has been examined and accepted, the Trademark deposit shall be completed following payment of fees, divided as follows:

Description	Amount in LBP / Yen
Registration Fees per Class	LBP/250,000/ + 10% Municipality Tax (850 ¥)
Registration Fees for each additional Class	LBP/250,000/ + 10% Municipality Tax (850 ¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Publication Fees of the Trademark (Black & White)	LBP/216,000/ (735 ¥)
Publication Fees of the Logo (Color)	LBP/864,000/ (2940 ¥)
Stamp Fees on the Registration Certificate	LBP/100,000/ (340 ¥)

To note that these fees are constantly changing due to the fluctuation in the Lebanese Lira rate, and the differences in the official rate versus the black-market rates.

3.2.5.2 Rights of the Right Holder

As a start, the trademark owner acquires rights over the trademark from its first use. However, registration is a declaration of a right, and does not create the right. It allows the trademark owner to oppose such right against third parties.

This protection gives the owner of the trademark, who has duly deposited his trademark with the competent authorities, an exclusive right to exploit it and enjoy use thereof, so that it gives him the right to prevent others from making, placing or using signs identical or similar to his mark on products similar to those belonging to him. It also grants him the right to prevent third parties from importing, exporting, selling or offering to sell products with counterfeit marks or similar to the original mark with the intent to deceive.

Therefore, in case a third party makes use of this Trademark or another one presenting similarities with it, the owner should take specific actions.

A warning can be sent to the infringing party informing it about the violation and requesting him to cease the use of the conflictual Trademark.

However, upon any infringement, the aggrieved party may obtain from the court, an official order to inspect and seize the products bearing the infringing Trademark that will be taken out of the market channel or destroyed.

3.2.5.3 Fees Related to Successful Registration

With the exception of stamps affixed on the application documents all other fees including registration, publication, stamp duties on the registration certification are paid upon acceptance of the application. Therefore, refer back to **section 3.2.5.1** here above.

3.2.5.4 Licensing

The owner of the registered mark has also the right to license the use of his trademark in favor of third parties and to make it the subject of an exclusive or non-exclusive use/exploitation (usufruct) license while maintaining the right to use it at the same time unless of a contrary written agreement.

This license can be in return of the payment of a royalty and can be registered at the IP Office at the Ministry of Economy and Trade.

In the Licensing Agreement, the owner keeps a right of control over the use of the Trademark by the licensee to ensure the right use of its Trademark and the maintenance of its value.

This operation is found generally in the franchise contracts and other similar deals.

The license must be submitted to the office with the following documents:

- PoA from the Licensee duly notarized and legalized.
- The license agreement. In case signed abroad, it should be duly legalized at the Lebanese Consulate in the Country of Origin.

Following, to proceed in the above-mentioned process, payment of the required fees should be made, divided as follows:

Description	Amount in LBP / Yen
Official Fees for the Recordal of Trademark License	LBP/90,000/ + 10% Municipality Tax (306 ¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 word) (51 ¥)
Stamp Duty	4/1000 of the value of the License Agreement
Delay Fine for each two-month delay in recording the Licensing	LBP/50,000/ (170¥)

After having paid the required fees, the licensee shall obtain an official statement confirming the recordal of the license.

3.2.5.5 Renewal of Registration

The Trademark can be renewed for 15- years periods calculated from the first registration date. It is worth mentioning that it is not necessary to effectively use the trademark to file registration or renew it.

Filing a late renewal application is possible within a three-month grace period as of the date of expiration without any delay fines

The cost for Trademark renewal is the same as applied for the trademark registration as detailed above. As for the documents required, a PoA duly notarized or duly notarized and legalized if drawn outside Lebanon is required. In addition, a copy of the registration certificate or copy of its publication in the Official Gazette might also be required.

The cost to conclude the Trademark Renewal is divided as follows:

Description	Amount in LBP / Yen
Renewal Fees per Class	LBP/250,000/ + 10% Municipality Tax (850 ¥)
Renewal Fees for each additional Class	LBP/250,000/ + 10% Municipality Tax (850 ¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Publication Fees of the Trademark (Black & White)	LBP/216,000/ (735 ¥)
Publication Fees of the Trademark (Color)	LBP/864,000/ (2940¥)
Stamp Fees on the Renewal Certificate	LBP/100,000/ (340¥)

3.2.6 Enforcement of Rights

3.2.6.1 Enforcement Agency

The Enforcement Authorities may be judicial and/or administrative. The Judicial Authorities are Judge of Summary Matters, the Public Prosecution, Criminal Judge and Investigative Judge. In addition, the Administrative Authorities are the IP Office and the Customs.

3.2.6.2 Judicial System and Courts regarding IP Protection

As mentioned above, Lebanon does not have specialized IP Courts to deal with IP matters. Therefore, any legal action in relation to trademark matters should be filed before the judicial courts whether criminal or civil/commercial depending on the criteria of each case.

As for the Lebanese Judicial system, you can refer to section 3.1.6.2 herein above.

Pursuant to the Resolution No. 2385/LR of 1924, several administrative and judicial procedures are available to protect and enforce the Trademarks rights namely:

➤ **Petition to the Judge of Summary Matters:**

Resolution No. 2385/LR of 1924 has granted the Trademark Owner, the right to take all necessary precautionary measures to prevent any suspicious imminent trademark infringement.

For this purpose, the Judge of Summary Matters may take all decisions authorized by the law, in order to protect the Trademark Rights that are likely to be infringed. Also, he may impose coercive measures to enforce his decisions.

For this a Petition should be filed before the competent Judge of Summary Matters requesting an Ex-Parte Seizure Order to prohibit or to stop an imminent infringement. Pursuant to the execution of the Ex-Parte Seizure Order, a legal action in the merits, should be filed within 15 days as from the date of the record drawn by the Court Clerk before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Ex-Parte Seizure Order.

In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take all precautionary measures referred to above.

➤ **Public Prosecution**

The Public Prosecution has the power to work on Ex-Officio basis in case of any violation of the Trademark owner's rights.

Again, we should mention that the Trademark owner should act to enforce his right in the Trademark, since in practice the Public Prosecution will rarely do so of its own.

In addition, the Trademark Owner can file a Complaint before the competent Public Prosecution for Trademark infringement. The Complaint will be transferred to the Financial Crime and Anti-Money Laundering Unit at the Internal Security Forces (ISF) or to the Cybercrime and Copyright Unit at the ISF to investigate the matter and conduct a seizure if any.

Afterward, the Public Prosecutor will prosecute the infringers and will transfer the file to the competent Criminal Judge for trial. The case will flow in accordance with the legal procedures until the issuance of the Criminal Judge Decision.

➤ **Intellectual Property Office**

The Head of the Intellectual Property Office has also the power to work on Ex-Officio basis against any Trademark infringement.

The Trademark Owner can also opt to file a complaint before the Intellectual Property Office.

For each complaint a fee of LBP/100,000/ (340 ¥) in addition to 10% Municipality Tax must be paid.

Inspectors from the Intellectual Office shall draw a seizure record including the details of the infringer, the seized products and their quantities, and any other relevant information.

Pursuant to the seizure record drawn by the Intellectual Property Inspectors, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts and destruction of the seized products. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Customs Seizure**

The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing products. This power is used by the Customs when inspecting shipments at the borders and inland through the Audit and Anti-Smuggling Unit.

Whenever the Customs seize any counterfeit products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized and destroyed. Otherwise, the products will be released.

The Trademark Owner can also file a Petition to the Judge of Summary Matters to issue an Ex-Parte Seizure Order to seize any infringing products at the borders.

Following the seizure record drawn pursuant to the Judge of Summary Matters decision, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to

claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Cancellation Action**

Any third Party who considers that a Trademark registration is infringing upon its prior rights or is not eligible for trademark registration, can file a cancellation action against this Trademark before the competent Court of First instance seeking to cancel this registration and its strike-off from the IP Office registry.

The Trademark Law did not provide the cases that can lead to the cancellation of a registered Trademark. However, in practice such cases may include:

1. If the Trademark is identical or confusingly similar to a duly registered Trademark or a well-known mark.
2. If the Trademark is descriptive or generic and thus not entitled protection as trademark.
3. If the Trademark constitutes an infringement to a third-party copyright or industrial design.

In addition to the cancellation of the infringing trademark, the Court may also decide to seize any infringing products or equipment used in the infringement in addition to imposing indemnities upon the infringer and the publication of the Court decision in local newspapers.

In the case between MEPTICO and Orion Corporation, whereby MEPTICO was seeking the cancellation of the registration of Orion Corporation trademark “Custard” in Arabic. The Court found that the registration of a generic term was harmful to the product of MEPTICO, which is custard, and therefore cancelled the Trademark registration of “Custard” in Arabic. This case confirmed the right to seek cancellation for a trademark that is descriptive or generic, considering the term “custard” as generic.

(Court of First Instance of Mount Lebanon – Decision No 4, issued on 31/01/2017 – This decision is not published).

3.2.6.3 Remedies

Resolution No 2385/LR of 1924 and the Lebanese Penal Code No 340 of 1943¹⁹ impose sanctions on infringements of the trademark rules and regulations.

➤ **Sanctions based on Resolution No 2385/LR of 1924**

The trademark owner has the right to demand protection of his right against any infringement or imitation **(Article 105 and 106)**.

The Trademark Law in Lebanon states in **Article 105** as infringement as follows:

- Any person who determines in whatever manner or way that an unregistered mark is registered;
- Any person who deliberately imitates or uses a registered mark without the authorization of the owner of the mark even if the mark is accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like in a way as to mislead the public;
- Any person who affix to his goods or products a mark belonging to another person;
- Any person who deliberately sells or offers for sale a product bearing a counterfeited mark or a fraudulent imitation of the original mark;

¹⁹ https://sherloc.unodc.org/cld/uploads/res/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf

- Any person who delivers a product other than the one requested under a specific mark;

Shall be liable to a fine and to imprisonment for a term varying from three months to three years or to one of the foregoing sanctions.

In addition, **Article 106** of the said Law states as imitation the following:

- Any person who makes a fraudulent imitation of a mark, without counterfeiting the mark, with the intent to deceive the public or uses a fraudulent imitation of a mark;
- Any person who uses a mark bearing fraudulent indications of such nature as to mislead the public as to the nature of the product requested;
- Any person who deliberately sells or offers for sale a product bearing a fraudulent imitation of a mark or fraudulent indications of such a nature to mislead the public as to the nature of the product;

Shall be liable to a fine and to imprisonment for a term varying from two months to two years or to one of the foregoing sanctions.

The matter of deciding whether there is an infringement or imitation is left to at the discretion of the Court as stated in **Article 107**:

“The Courts shall evaluate the imitation and the copying to deceive by looking at the copied or imitated thing from the consumer point of view and considering the total similarity rather than differences in details between the original trademark and the trademark subject of the case”.

The infringer will be subject to a fine or imprisonment, or both, decided by the Courts.

Moreover, the infringement of a Tradename as that of a Trademark shall be punishable by a fine or imprisonment or both.

The jurisprudence has adopted the principle provided for in **Article 107** of Resolution No. 2385 of 1924, which stipulates that the courts shall estimate the importance of the imitation or reproduction with the intent to deceive based on the overall similarity in the mark from the consumer’s viewpoint, rather than relying on the differences in the elements present between the original mark and the trademark subject of the lawsuit.

However, in the event of repeated violations as mentioned above, the penalty shall not be more than the lower limit specified in these articles nor above the upper limit multiplier, moreover the offender must be imprisoned for a period of two months to five years (**Article 109**).

Additional sanctions are imposed upon the infringers, such as the lack of possibility of membership in the Chamber of Commerce, Associations, Syndicates, Cooperatives and any elected assembly in general.

Moreover, even if the infringers are acquitted of their crime, the items which have caused injury to the rights holder in accordance with the law, shall be seized and destroyed.

The Court will impose upon the infringers the payment of a fair compensation for the moral and material damages incurred by the Trademark Owner. It is worth mentioning that this compensation can be imposed even in the cases where the Defendant was considered innocent.

➤ **Sanctions based on Penal Code**

In accordance with the Penal Code, the essential element to seek the application of the sanction is to prove that the person committing the violation is aware of the infringement that he is perpetrating.

Article 702 of the Penal code imposes a sanction of LBP/100,000/ **(340 Yen)** up to LBP/1,000,000/ (3400 Yen) with imprisonment of three months up to three years, or any of the two, against:

- Any person who imitated knowingly or uses a filed trademark without being licensed by the owner of the trademark in a way to deceive the purchaser,
- any person who puts on his products or the brands of his trades a trademark belonging to another person,
- any person who sells knowingly or offers for sale a product on which an imitated trademark or trademark similar to the original trademark is put in a way meant to be fraud (article 703),
- any person who hands over a product other than that requested from him under a certain trademark.

The judge shall evaluate the intent of fraud by looking at the copied or imitated thing from the viewpoint of the consumer.

He shall consider the total similarity rather than differences in details between the real trademark and the trademark subject of the claim in question.

➤ **Sanction for Unfair Competition**

It is also possible to prosecute the infringers as well for unfair competition, when its conditions materialize, as per the provisions of **Articles 97 and 98** of Resolution No 2385/LR of 1924, in conjunction with Article 714 of the Penal Code, Decree No 340 Issued on 01/03/1943, which imposes a penalty of LBP/100,000/ **(340 ¥)** up to LBP /500,000/ (1700¥).

Article 714 of the Penal Code states: “Each person who commits, through fraudulent means, false allegations or hinting in bad faith, to divert the customers of others to him shall be punished, upon a complaint of the prejudiced person, by a fine varying from one hundred thousand to five hundred thousand Lebanese Pounds.”

Punishment is applied as well for attempt to commit this crime”.

Article 97 of Resolution No 2385/LR of 1924 states:

“The following shall be considered illegal competition:

- 1- Any violation of this Resolution, lacking any of the conditions which make the application of the penalties provided for in Part Six herein below possible.
- 2- Any action which the courts may consider and reach the conclusion that it is illegal competition.”

Article 98 of Resolution No 2385/LR of 1924 states:

“The acts of illegal competition can be sued only by a claim to stop the competition or the harmful action. Also, a claim may be filed for inactivity and damage, except in the circumstances in which such acts are considered violations punished by the penal laws or this Resolution.”

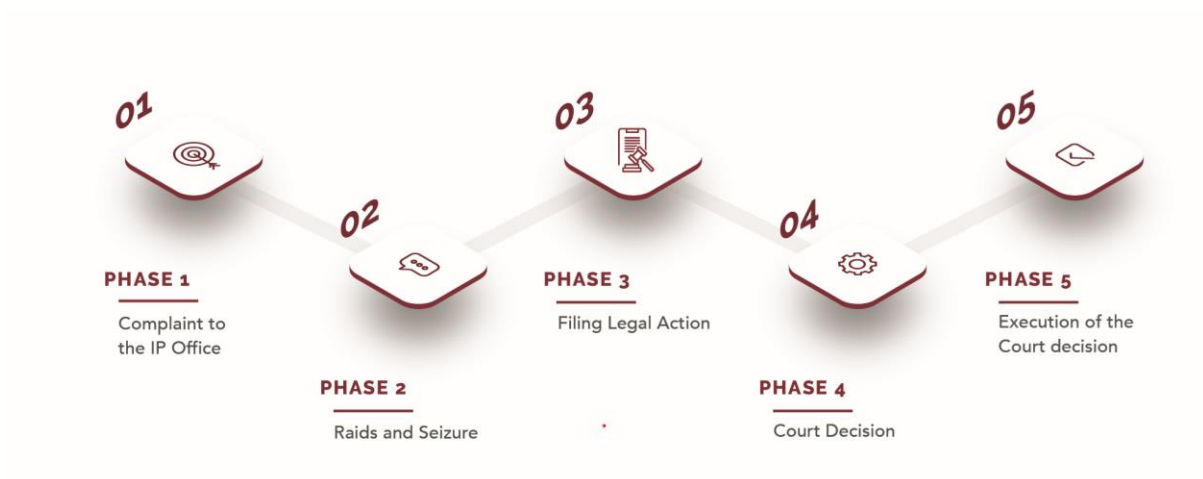
3.2.6.4 Summary of the remedies with Comparison table

- Criminal remedy: Imprisonment / Fine – Indemnities – Destruction – Publication of the Courts decision
- Civil remedy: Indemnities – Seizure, confiscation and destruction of infringing products – coercive fine for each delay in executing the court decision – publication of the court decision- Cancellation of the Infringing Registration

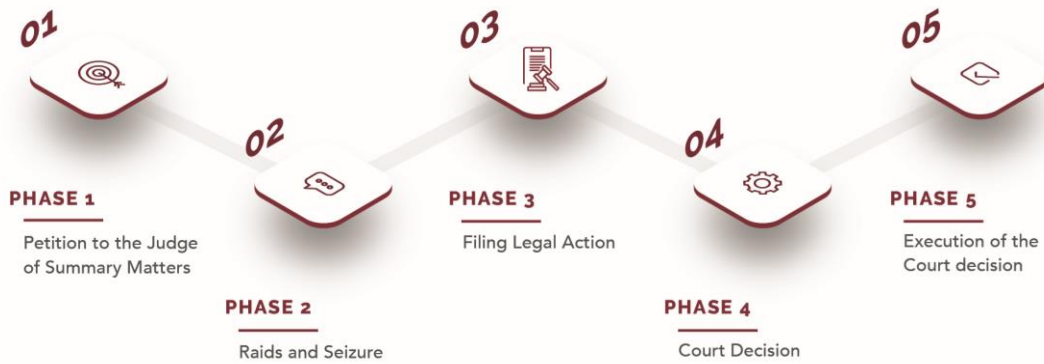
Criminal Remedies	Civil Remedies
Imprisonment	Seizure
Fine	Confiscation
Indemnities	Indemnities
Destruction	Destruction
Publication of Court Decision	Publication of Court Decision
	Coercive Fine for each delay in executing the Court Decision
	Cancellation of the infringing Trademark

3.2.6.5 Flowchart of the process of the Enforcement

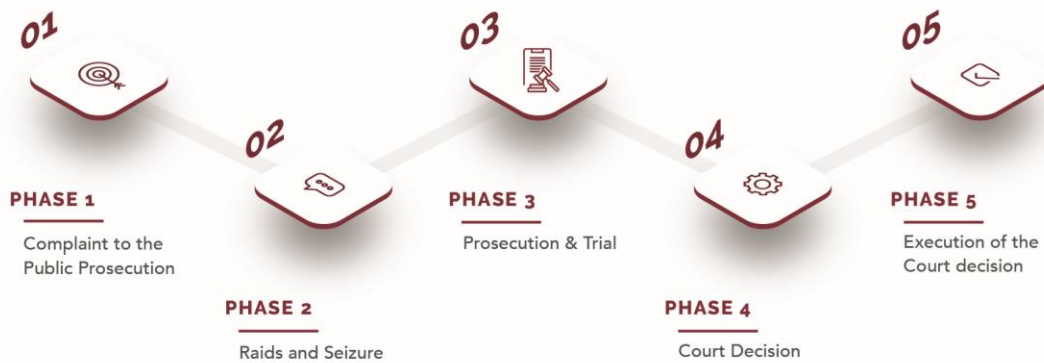
Complaint before IP Office at the Ministry of Economy & Trade



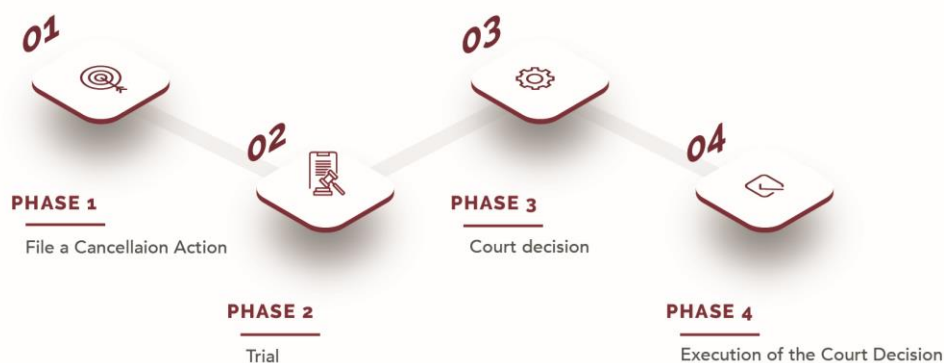
Petition before the Judge of Summary Matters



Complaint before the Public Prosecution



Cancellation Action Process



3.3 Copyrights

Copyrights are a variety of rights bestowed to the creators in order to protect their literary and artistic works. To be worthy of protection under Copyrights Law, the work should be the creation of a human spirit carrying the personal touch of its creator. Such condition could be challenged now with the rise of Artificial Intelligence and robotics.

The creator of the work will have an exclusive right to such act of creation.

The creator of the work whether literary or artistic, by the mere fact of his creation, will be granted a right of property over such work and another set of economic and moral rights enumerated by Lebanese Law No. 75 of 1999²⁰.

3.3.1 Definition

The Lebanese Law in its **Article 1** of Law No. 75 of 1999, which states the definitions of the terms referred to in the law, starts by mentioning that the artistic work can be performed, played, recited, narrated, acted, danced, broadcast whether directly or through any means appropriate for the type of work involved.

Article 2 of the law further goes on to define the “works” which are covered by protection according to the Law. It first starts by stating that protection is granted to all creations of the human mind, whether written, visual, sculptural, written or oral, regardless of their value, importance, or purpose, and whatever the method or form of their expression.

²⁰ https://www.economy.gov.lb/public/uploads/files/4600_3516_9524.pdf

The list of works which are covered by this protection are:

- Books, archives, brochures, newspapers, publications, and all other literary, artistic, and scientific works;
- Lectures, speeches, and other oral work;
- Audio-visual works and photographs;
- Musical works, whether or not accompanied by speech;
- Theatrical works and musical plays;
- Actions performed with movements or technical steps and gestures;
- Painting, sculpture, engraving, decoration, weaving and lithography;
- Architectural drawings and pictures.
- Computer programs, whatever their languages, including preparatory work.
- Maps, designs, plans, geographical, topographical, engineering, and scientific objects.
- Plastic art works of any kind, whether they are intended for industry or not.

In addition, certain related works are granted protection, although they are based on some original work, these are translations, compilations of works provided that such output have an element of innovation.

The works mentioned above are protected regardless of their value, merit or purpose and the mode or form of expression or the targeted audience. The reason behind this principle is that the assessment of artworks' value is subjective and may be perceived differently. Also, the discretionary power of the judge will determine if there is ground for copyright infringement, irrespective of the value of the work.

➤ **Original Works**

Article 2 in its first paragraph states: "This law protects all productions of the human mind, whether a writing, picture, sculpture, written or oral, whatever their value, significance and purpose, whatever the manner or form of expression."

➤ **Derivative works**

Derivative works are based upon one or more pre-existing works; one or more elements are extracted from the original work and altered to result in creating the new work bearing the personal imprint of the second creator. It is worth mentioning that the original work does not lose its protection. Moreover, a person wishing to execute a derivative work should get the license of the original work's author that has the absolute right to withhold such license. Once the license is granted and the derivative work comes into existence, it will be considered as a new artwork worthy of protection. If the pre-existing work has fallen into the public domain, the execution of the derivative work can happen without the need of any authorization.

WIPO has defined derivative works as the translations, adaptations, arrangements and similar alterations of pre-existing works without prejudice to the copyright in the pre-existing work.

Also, **Article 3** of the Lebanese Law on Literary and Artistic Property defined and granted protection to derivative works being: "translations, adaptations, transformations and arrangements of music; as well as collections of

literary or artistic works and compilations of data, whether in machine-readable or other forms". This article has expressly imposed the **condition of the copyright holder's authorization**.

The best example of compilation of data is the compilation, titling, and editing of judicial decisions used as references. The context of the decisions is not protected since judicial decisions are freely accessible to the public. However, the form of expression, more precisely, the format of titling and editing such decisions are protected under Copyrights Law.

The French Court of Cassation held that translated works deriving from an original work are eligible for copyright protection whenever they carry the personal touch of the translator. We mention this, since the Lebanese judges often refer to the French rulings when additional clarifications are required.

➤ **Works which are excluded from protection**

Article 4 of Law No. 75 of 1999 provides exceptions to copyright protection for reasons of public interest and right to the access to information. Therefore, the excluded works will not be protected by the said law, will fall into Public Domain and will be available to the public to exploit as they desire.

The following are a list of works which constitute as an exception to copyright protection:

- Daily news,
- Laws, legislative decrees, decrees and decisions issued by all public authorities and official translations thereof,
- Judicial decisions of all kinds and official translations thereof,
- Speeches delivered in public assemblies and meetings. The authors of speeches and presentations shall enjoy the sole right of collecting and publishing such lectures and presentations,
- Ideas, data and abstract scientific facts, and
- Artistic folkloric works of all kinds. However, works inspired by folklore shall enjoy protection.

➤ **Individual, Joint or Collaborative Works**

The Lebanese Copyright Law recognizes that the work can be the result of an individual, joint or collaborative effort, therefore it is worth looking into protection in these instances, and how a copyright is recognized.

▪ **Individual Works and work done based on Special Order or Commissioned**

An individual work is that which is done by one person, without the collaboration or contribution of others. However, the individual's work can be a result of a special order or commissioned in the course of employment.

▪ **Employee's Work**

During the course performance of his professional duties, an employee linked to the employer by an employment contract may create artworks whether literary, artistic or musical. The employee is fulfilling his contractual obligations towards his employer in return for his salary and according to the latter's instructions which will be entitled to the copyrights of such work.

- **Independent Contractor**

Independent Contractors are retained to complete specific tasks on behalf and for the account of their recruiters that can be either a natural or legal person. Their relationship is organized in a contract, and its nature differs from the one established between an employer and his employee. Independent contracts differ from employment contracts since independent contractors are not economically and socially related to their recruiters like employees. Therefore, works commissioned by Independent Contractors are usually their property as well as the related copyrights. Subsequently, should a recruiter wish to own copyrights of the works created by an independent contractor, he shall mention this condition expressly in their contract.

- **Joint Works**

As stated in **Article 6** of Law No.75 of 1999 on the Protection of Literary and Artistic Property, a joint work is the result of a collaboration between several authors who have collaborated in the creation of one single artwork. In this case, the co-authors have jointly taken the initiative of creating the artwork containing all of their marks. The collaboration of co-authors must be effective, and the work should be the result of their joint efforts and common inspiration. For instance, a comic book realized by a scriptwriter and a cartoonist.

All the contributors to the work will be co-owners of copyrights. However, their shares of ownership may be determined, if possible, to distinguish the contribution of each author from the others, each of the joint authors is the author of his part of the contribution. Nevertheless, none of the co-authors may exercise any right without the consent of the other authors, unless agreed otherwise in writing between them.

The status of co-author will be recognized to people whose contribution is made originally so that can be granted rights on the creation, the one who modified the manuscript of a dictionary.

- **Collective Works**

Collective Works are created on the initiative of either a natural or legal person or even a third party that is not a co-author namely when an instructor is a legal person knowing that only a natural person can be an author. A collective work is created by several people which efforts are combined to result in a unified work.

The initiator of a collective work shall interfere in an evident and effective way in the creation of the artwork following his instructions, and simple directives are insufficient. He will supervise the content of the creation, control its realization and harmonize the different individual contributions of the collaborators. Moreover, a collective work shall not be considered as such if the creation is not made and divulged on behalf of the initiator. He will also bear all expenses and risks incurred by the exploitation of the artwork.

Examples of collective works: newspapers, magazines, and encyclopedia. A book published by a publishing house.

A special type of collective work is that of audio-visual works, such as movies given that they combine the following elements:

- A story,
- A scenario,
- A script,
- A scenography,
- Music composition, and
- Film making.

Based on the above, every element is a separate artwork made by a creator or author. They have all collaborated to commission one final artwork which is the audio-visual work. Nevertheless, the Lebanese Copyrights Law has expressly stipulated that: "in the case of an audio-visual work, the producer shall, in the absence of any agreement to the contrary, be considered the holder of authors' rights".

3.3.2 Requirements

Being recognized as an "author" is a matter of fact that is granted such legal recognition just by the simple act of "creation", however, it is always recommended to be able to oppose such ownership against others to register your right.

To enjoy the protection, literary and artistic work, several conditions stipulated by law and others should be met, which have also been confirmed by the doctrine and jurisprudence, which are:

- The existence of a natural person or several natural persons who have done an intellectual work worthy of protection, and this requirement is derived from the text of **Article 5** of the Law on the Protection of Literary and Artistic Property.
- The presence of a creative and innovative work;
- Although **Article 2** of the Law on the Protection of Literary and Artistic Property considers that all products of the human mind, whatever their value, importance, purpose, and manner of expression, are legally protected, the doctrine and jurisprudence consider that such protection remains dependent on establishing the element of innovation in the creator's work.
- Unless the work falls within the works defined in **Article 4** of the law, which excludes them from protection.

As for the formal requirement, the law does not impose formal procedures to the granting of legal protection to the artistic and literary.

Whereas **Article 5** of this law, stipulates that: "The author of any artistic or literary work shall, as a result of the creation of the work, have an absolute property right over his work and shall reserve all his rights without having to follow any formalities.

Furthermore, **Article 5 of the Berne Convention**, to which Lebanon adhered to, concerning the protection of literary and artistic property, states in its second paragraph:

"The enjoyment or exercise of these rights shall not be subject to any formality ... "

3.3.3 Term of Protection

Prior to determining the term of copyrights protection, it is worth mentioning that, since moral rights are perpetual and do not extinguish upon the death of the author, the term of protection concerns economic rights merely.

The terms of protection vary depending on the type of work.

- **Individual Works**

The author or copyright holder of individual work benefits during his life and for **50 years (Article 49** of the Copyright Law) following his death to be computed from the end of the year in which the death has occurred, of an exclusive right to exploit his work despite its form of expression.

- **Joint, Collective and Audiovisual Works**

In the case of joint works, the term of protection shall be the life of the co-authors and 50 years following the death of the last co-author, commencing from the end of the year in which the death has occurred. Should one of the co-authors die without leaving any inheritors, his share shall be transferred to the other authors or their heirs, unless stated otherwise in the contract governing the relationship of the co-authors.

In the case of collective and audiovisual works, the term of protection shall be 50 years to be computed from the end of the year in which the work has been made available to the public or, failing such event, 50 years from the creation of such work, to be computed from the end of the year in which the work has been completed.

In the case of anonymous or pseudonymous works, the term of protection shall expire 50 years after the work has been lawfully made available to the public.

However, if the pseudonym adopted by the author leaves no doubt as to his identity, or if the identity of the author of an anonymous or pseudonymous work is disclosed prior to the expiration of the 50-year period starting from the end of the year in which the work was lawfully made available to the public, the provisions of **Article 49** of the Copyright Law shall apply. In the case of posthumous works or works published in the name of a legal person, the term of protection shall be 50 years to be computed from the end of the year in which the work was published.

Below is a table summarizing the different terms of protection:

Type of Work	Term of Protection
Individual Work	50 years after the death of the author
Joint Works	50 years after the death of the last co-author
Collective or Audio-visual Work	50 years after the year in which the work has been made available to the public or from the creation of the work
Anonymous or Pseudonymous Work	50 years after the work has been lawfully made available to the public
Posthumous Work or Work published in the name of a legal person	50 years from the year in which the work was published

3.3.4 Application/Registration Procedure

3.3.4.1 Place of Application

The Copyright application must be submitted by the author or his legal representative to the Head of the Intellectual Property Protection Office, at the Ministry of Economy and Trade (MoET).

3.3.4.2 Eligibility

The author can be a physical or moral person, Lebanese or foreigner. The applicant's legal representative be Lebanese. Hence, a foreigner wishing to file for a copyright protection before the competent authority must appoint a Lebanese agent or proxy for such application.

3.3.4.3 Requirements

Although the deposit is not mandatory, it is recommended to deposit the work at the Intellectual Property Protection Office at the Ministry of Economy & Trade in Lebanon so that one can have a presumption of ownership to his deposited work.

The deposit is done by filling of the application by the copyright owner or his duly authorized representative and must include the following information according to **Article 77** of the Copyright Law:

- A PoA duly notarized or legalized up to the Lebanese Consulate if done outside of Lebanon.
- The title and the type of work (sound recording, performance or radio or television program, etc...);
- The name, and address of the author. If the author does not make the deposit personally, the foregoing information must be given in respect of the agent as well.

Upon presenting the application, the applicant must enclose three copies of the work. With regards to pictures, oil paintings, water colors, statues, works of architecture or other works having only one original, a photo or other reproduction of the work in three dimensions should be submitted which clearly demonstrates the shape and form of the work. To note, that the practice is to submit to the IP Office all works in Digital Format, such as CD's (in three copies).

3.3.4.4 Examination

As mentioned above, there are only formal examination procedures, but no substantive examination guidelines.

The examiner only makes sure that all the required documents and payments are given, as well as conducts a quick verification on the database to ensure that the copyright does not infringe upon third party rights.

3.3.4.5 Period of Entire Registration Process

The copyright registration is concluded within one month.

The below chart details the registration procedure:



3.3.5 Post-Registration

3.3.5.1 Registration Fees

Once the application has been accepted, the certificate will be issued following the payment of the fee amount specified in **Article 78** of the Law on the Protection of Literary and Artistic Property as follows:

Description	Amount in LBP / Yen
Deposit of a printed word	LBP/50,000/ + 10% Municipality Tax (170 ¥)
Deposit of a film, video or audio recording	LBP/175,000/ + 10% Municipality Tax (595 ¥)
Deposit of a daily or periodical publication (for one year)	LBP/75,000/ + 10% Municipality Tax (255¥)
Deposit of a photo, map, postcard, photograph, daily or periodical (1 issue)	LBP/25,000/ + 10% Municipality Tax (85¥)
The deposit of any other material not mentioned above	LBP/50,000/ + 10% Municipality Tax (170 ¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 word) (52 ¥)
Stamp Fees on the Registration Certificate	LBP/100,000/ (340 ¥)

3.3.5.2 Rights of the Right Holder

The author of the copyright work enjoys two types of rights: **Economic rights and Moral rights**. Economic rights are pecuniary and time-limited as we will see in the next section, and moral rights are inalienable and perpetual.

▪ Economic Rights

Economic rights grant its holder the right to exploit the work for a certain period economically. They are movable properties transferable entirely or partially, free of charge or against payment.

Economic rights comprise those listed by **Article 15** of Law No. 75 of 1999 on the Protection of Literary and Artistic Property.

The holder of such rights shall have the exclusive right to exploit the work commercially and, accordingly, shall have the right to authorize or prohibit the following:

- copying, printing, recording and reproducing the work in any manner or form including photography, cinematography, sound or visual recordings of any kind or any other form,
- Translating, adapting, altering, transforming, summarizing, adjusting the work or rearranging the music; in other words, create a derivative work,
- Selling, distributing or renting the work,
- Importing copies of the work manufactured abroad,
- Public performance of the work,
- Communication to the public of the work by wire or wireless means, whether through Hertzian waves (radio) or the like or coded or de-coded satellites, including the rebroadcast of standard television or radio broadcasts or satellite transmissions by any means of diffusion of sounds and images,
- Concluding contracts for the exploitation or assignment of economic rights.

The rights mentioned above are generally the property of the author or creator. Nevertheless, it is not as easy as it seems to determine such ownership when the work is a joint work, a collective work or when the author has decided not to reveal his identity.

i. Economic rights in joint works

On the one hand, when it is impossible to determine the share of the collaboration of the co-authors, the latter will own equal economic rights unless agreed otherwise between them in writing and no transfer of rights is legitimate if not conducted by all the authors. On the other hand, the share of the collaboration of each co-author is determinable; each one of them retains the right to his share of the work and will have the right to exploit this part without prejudice to the work as a whole. For example, a song is a combination of lyrics and a piece of music, should they be separated, the author of the lyrics shall have the right to exploit his work without hindering the exploitation of the song.

ii. Economic rights in collective works

The initiator shall enjoy economic rights about the work he has initiated mentored, supervised and invested in and which was published on his behalf.

iii. Economic rights of works created by employees

The employer is the owner of all economic rights in the works created by his employees during the course performance of their employment agreement unless they agree otherwise.

iv. Economic rights of an audio-visual work

The producer of an audio-visual work has the exclusive right to commercially exploit the work being the person who has initiated the work and took the responsibility of its commission namely with his money. Practically, the producer of an audio-visual work would have previously concluded contracts with all the collaborators in work to assign all their rights.

v. Economic rights of a derivative work

A derivative work is a new artwork from which derives new economic rights independent from those of the original work. Thus, the author of the derivative work will own all related economic rights of such work.

vi. Economic rights of an authors' rights

According to **Article 9** of Law No. 75/99: "...the producer shall, in the absence of any agreement to the contrary, be considered the holder of authors' rights."

vii. Economic rights of an anonymous work

The economic rights are the sole owner of the legal or natural person that published the anonymous (under a pseudonym) work.

▪ Moral Rights

Moral rights are perpetual, inalienable, indefeasible, and elusive as well as attached to the personality of the author. Also, moral rights comprise the rights of the author to the respect of his name, his artwork, and his authorship.

Moral rights are perpetual, unlike the economic rights, they never extinguish. They are inalienable because the author cannot assign his moral right by contract or renounce to it in advance.

Moral rights are immaterial so they cannot be seized, although the artwork itself is sizeable being material. Also, all financial products resulting from the work may be seized by the creditors of the author to collect their debts.

Article 21 of the Law on the Protection of Literary and Artistic Property enumerated the following moral rights:

- The right to disclose the work and to determine the way and method of such disclosure: the author may also decide to keep his work unrevealed, and no one can force him to do otherwise. As for the method of disclosure, he may permit specific methods and ban others.
- The right to claim authorship of the work and to have his name mentioned on every copy of the work each time the work is used in public as well as have his name associated to such work for instance: the author of a book has the right to impose on the publisher mentioning his name not only on the published version of the book only but also on all advertising materials. The author reserves the right to claim his authorship to the work at any time any agreement to the contrary is null and void.
- The right to use a pseudonym or to remain anonymous: it is for the author to decide whether to reveal his name or to publish the work under a pseudo name or remain anonymous.
- The right to object to any distortion, mutilation or modification of the work which would be prejudicial to his honour, reputation, fame or artistic, literary or scientific position: it is the right of the author to protect his reputation. The author has the right to renounce any form of modification and alteration to the work such as editing the work by removing a part of it, adding or removing a paragraph of literary work. The work may not be deformed either in its form, not in its spirit; it should remain intact unless the author permits otherwise. It is notable that in the case of collective works, the initiator may modify the different contributions of the co-authors to harmonize the work in its entirety.
- The right to rescind contracts for the assignment of economic rights even after their publication if rescission is necessary to safeguard his person and reputation or is due to a change in his beliefs or the circumstances, provided that third parties are compensated for damage resulting from such rescission to avoid any abuse of rights.”

It is worth mentioning that an author who has refused to put his name on his work will always have the right to go back on his decision without the objection of the publisher of his work.

3.3.5.3 Fees Related to Successful Registration

With the exception of stamps affixed on the application documents all other fees including, registration, publication, stamp duties on the registration certification are paid after acceptance of the application. Therefore, refer back to **section 3.3.5.1** here above.

3.3.5.4 Licensing

While the release of economic rights is legally permissible, as the legislator classifies it as a wholly or partially transferrable right (**Article 16**). Such rights are subject to inheritance, and can pass upon the heirs of the author after his death.

Economic rights may be transferred to any third party, whether a legal or natural person under sales contracts and licensing contracts. Based on the principle of the autonomy of the will, several contracts may also be concluded, but the above mentioned are the most important ones.

According to **Article 17** any contract for the exploitation or assignment of economic rights shall, whatever its subject, be drawn up in writing, otherwise it shall entail nullity of the contract. It shall set out in detail the rights covered by the contract and indicate the time and location. The contract shall also require that the author gets a percentage of the exploitation revenues and assignment proceeds. If such a contract does not set a time limit, it shall be valid for 10 years only from the date of signature of the contract.

Under license contracts the author, owner of the economic right, referred to as licensor, grants the licensee, the right to exploit such rights under the terms and conditions set out in the contract.

The writing condition is crucial to the protection of the author's rights is a substantial proof of ownership and a guarantee of such rights, for example, a publisher is unable to prove the existence of a verbal contract with an author even if the latter has received royalties after not objecting to the publication of his book through the publisher.

The fees for the recordal of the License Agreement at the IP Office are divided as follows:

Description	Amount in LBP / Yen
Official Fees for the Recordal of Copyright License	LBP/90,000/ + 10% Municipality Tax (306 ¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Stamp Duty	4/1000 of the value of the License Agreement
Delay Fine for each two-month delay in recording the Licensing	LBP/50,000/ (170 ¥)

3.3.5.5 Renewal of Registration

Copyright cannot be renewed. Once the term of protection ends, the "work" enters the public domain.

3.3.6 Enforcement of Rights

The following have the right to have their copyright enforced:

➤ **Authors**

Creators enjoy the right to defend moral and economic rights they obtain by the mere fact of their creations. When a Collective Management Association is managing such rights, creators reserve the right to intervene for the protection of violated rights as well as when a partial assignment of exploitation of rights has occurred and even in the event of a complete assignment when their remuneration consists of a proportionate share of the exploitation of the rights assigned.

It is worth mentioning that an action in piracy filed by an assignee of copyrights are strictly limited to the economic rights assigned knowing that moral rights are not assignable under the Lebanese copyright.

➤ **Collective Management Associations and Companies**

In reference to **Article 67** of the Copyright Law, Collective Management Associations and Companies have the responsibility to take all administrative, judicial, arbitral and amicable measures to protect the legitimate rights of their clients and to collect royalties due.

3.3.6.1 Enforcement Agency

The Enforcement Authorities may be judicial and/or administrative. The Judicial Authorities are Judge of Summary Matters, the Public Prosecution, Criminal Judge and Investigative Judge. In addition, the Administrative Authorities are The IP Office and the Customs.

3.3.6.2 Judicial System and courts regarding IP Protection

Primarily, authors and copyright holders may assert their rights by resorting to the administrative authorities or the courts to stop illegal activities and to obtain compensation for the damage they have suffered in the form of loss of profits and damage to their reputation.

As a reminder, Lebanon does not have any specialized IP Courts, therefore for all matters related to IP, these are referred to the Civil or Criminal Court.

Please refer to section 3.1.6.2 herein above.

➤ **Public prosecutor's office, the Head of IP Office, Customs and the Judge of Summary Matters**

Public prosecution is part of piracy action when the author or copyright holder opts to seize the competent penal court. The Public Prosecution can act whether a complaint has been made by the Author or it can do so Ex-Officio.

Moreover, the Head of the IP Office may also act Ex-Officio or based on a complaint from the copyright holder.

Other actions can be undertaken by Customs, who have the authority to halt any entry of pirated works, as well as the Judge of Summary Matters who may act to preserve the author's rights upon the copyright owner's request.

Pursuant to the Law No. 75 of 1999, several administrative and judicial procedures are available to protect and enforce the Authors' rights namely:

➤ **Petition to the Judge of Summary Matters**

Law No. 75 of 1999 has granted the author, his successors and collective management associations and companies the right to take all necessary precautionary measures to prevent any suspicious imminent copyrights infringement.

For this purpose, the Judge of Summary Matters may take all decisions authorized by the law, in order to ensure the protection of the right or the work that is likely to be infringed. Also, he may impose coercive measures to enforce his decisions.

For this a Petition should be filed before the competent Judge of Summary Matters requesting Ex-Parte Order to prohibit or to stop an imminent infringement. Pursuant to the execution of the Ex-Parte Order, a legal action in the merits, should be filed within 15 days as from the date of the record drawn by the Expert before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Ex-Parte Order.

In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take all precautionary measures referred to above.

➤ **Public Prosecution**

The Public Prosecution has the power to work on Ex-Officio basis in case of any violation of the Author rights. However, in practice, such right is rarely used.

In addition, the Author or any right holder can file a Complaint before the competent Public Prosecution for copyright infringement. The Complaint will be transferred to the Internal Security Forces (ISF) to investigate the matter and conduct a seizure if any.

Afterward, the Public Prosecutor will prosecute the infringers and will transfer the file to the competent Criminal Judge for trial. The case will flow in accordance with the legal procedures until the issuance of the Criminal Judge Decision.

➤ **Intellectual Property Office**

The Head of the Intellectual Property Office has also the power to work on Ex-Officio basis against any copyright infringement.

The Author can also opt to file a complaint before the Intellectual Property Office. A Fee of LBP/100,000/ **(340 ¥) in addition to 10% Municipality tax** will be applied on each Complaint. Inspectors from the Intellectual Office shall draw a seizure record including the details of the infringer, the seized materials and their quantities, and any other relevant information.

Pursuant to the seizure record drawn by the Intellectual Property Inspectors, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Customs Seizure**

The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials. This power is used by the Customs when inspecting shipments at the borders and inland through the Audit and Anti-Smuggling Unit.

Whenever the Customs seize any counterfeit products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized and destroyed. Otherwise, the products will be released.

Any Right Holder can also file a Petition to the Judge of Summary Matters to issue an Ex-Parte Seizure Order to seize any infringing materials at the borders.

Pursuant to the seizure record drawn pursuant to the Judge of Summary Matters decision, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Cancellation Action**

Any third Party who considers that a Copyright registration is infringing upon its prior rights, can file a cancellation action against this Copyright before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry.

In addition to the cancellation of the infringing Copyright, the Court might also decide to seize any infringing work(s) or equipment used in the infringement in addition to imposing indemnities upon the infringer and the publication of the Court decision in local newspapers.

3.3.6.3 Remedies

In order to address the matter of sanctions, we must first define the perpetrator of the offense.

A copyright infringer is a person who:

- Fraudulently puts or instructs another person to put a false name on a literary or artistic work;
- Fraudulently imitates the signature or the logo of the author with intent to mislead the buyer;
- Knowingly imitates a literary or artistic work;
- Knowingly sells, possesses, offers for sale or makes available an imitated or plagiarized work.

The infringer will be liable to imprisonment for a term varying from one month to three years and/or to a fine varying from five million to fifty million Lebanese Lira (LBP/5,000,000/ (17,000 ¥) to LBP/50,000,000/ (170,000¥).

The sanction shall be doubled in the event of a repetition of the offense. These sanctions will be imposed irrespective of whether the work has fallen into the public domain or not.

Pursuant to **Article 84** of the Law No. 75 of 1999, the infringer will also be sentenced to pay an indemnity for the material or moral injury and damage incurred by the right holder. The amount of such compensation shall be determined by the court based on the commercial value of the work, the damage and lost profit incurred by the right holder and the material profit realized by the infringer.

The competent court may also order the closure of the place, commercial establishment, television station or radio station that commits an infringement of copyright for a period ranging from one week to one month, with the destruction of the counterfeit copies.

Those who broadcast or facilitate the broadcast for the public against payment of subscription without having the rights to do so, shall be subject to sanctions.

In addition to these basic sanctions, the Court might order for the publication of the judgment in places designated by the Court or its publication in daily newspapers at the expense of the defendant.

In case the defendant represents a newspaper, magazine or radio station or television station, the publication of the judgment shall always be published in this newspaper, magazine or radio and television station.

3.3.6.4 Summary of the remedies with Comparison table

- Criminal remedy: Imprisonment / Fine – Indemnities – Destruction – Publication of the Courts decision
- Civil remedy: Indemnities – Seizure, confiscation and destruction of infringing products – coercive fine for each delay in executing the court decision – publication of the court decision – Cancellation of the Infringing Registration

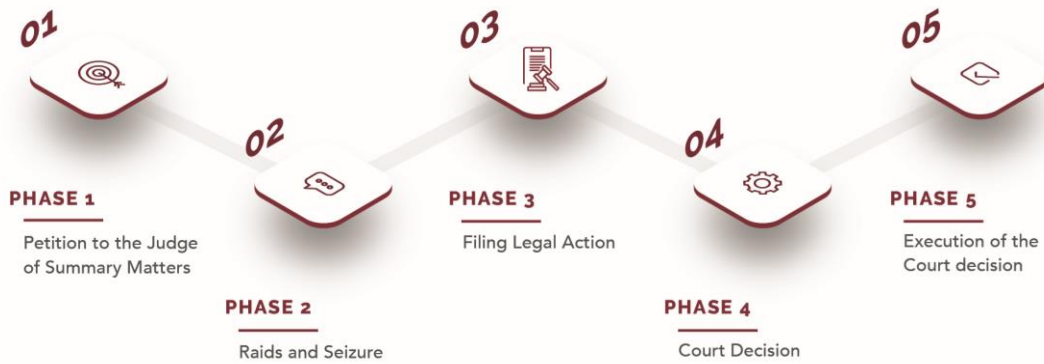
Criminal Remedies	Civil Remedies
Imprisonment	Seizure
Fine	Confiscation
Indemnities	Indemnities
Destruction	Destruction
Publication of Court Decision	Publication of Court Decision
	Coercive Fine for each delay in executing the Court Decision
	Cancellation of the infringing Copyright

3.3.6.5 Flowchart of the process of the Enforcement

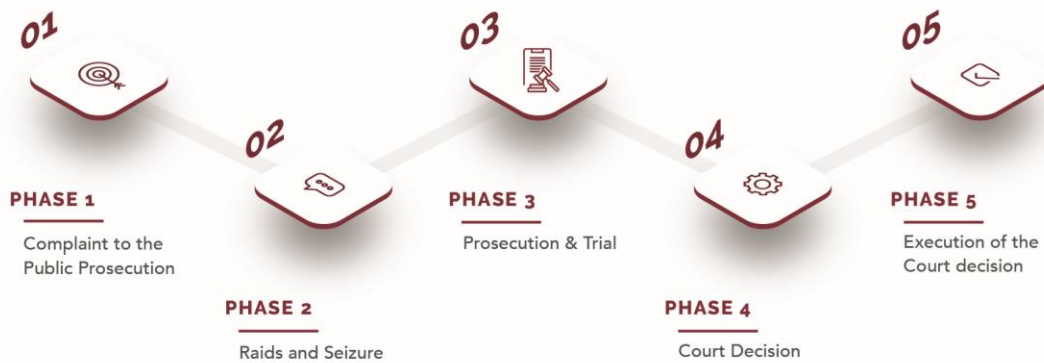
Complaint before IP Office at the Ministry of Economy & Trade



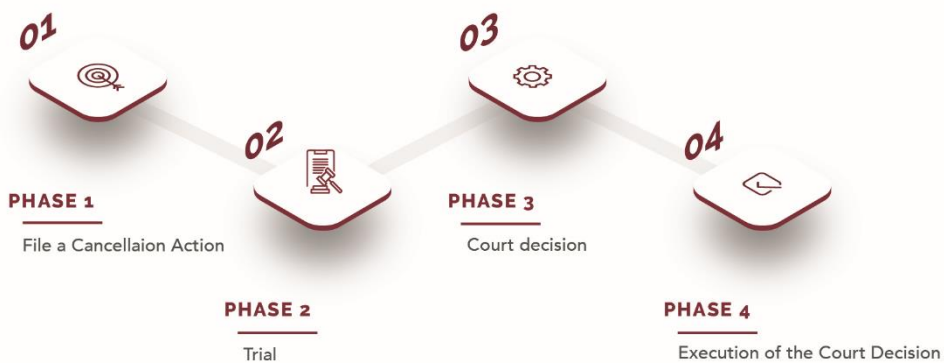
Petition before the Judge of Summary Matters



Complaint before the Public Prosecution



Cancellation Action Process



3.4 Industrial Design

Industrial drawings and designs are a significant factor in the field of Intellectual Property since it involves a lot of creativity and art, being the source of protection of the visual design of objects which is separate to its functional aspect (this can relate to patents); also, it is an organized area around the world.

In general, an industrial design consists of:

- three-dimensional features, such as the shape of a product,
- two-dimensional features, such as ornamentation, patterns, lines or color of a product; or
- a combination of one or more of the above-mentioned features.

These Industrial designs are applied to a wide variety of products of industry and handicraft, from technical and medical instruments to watches, jewelry, and other luxury items; from house wares and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods.

In Lebanon, Industrial drawings and designs comprise a small part of Resolution No 2385/LR, issued on January 17, 1924, on industrial property. It is worth mentioning that a draft law has already been prepared but is still waiting to be enacted.

We should mention however that an Industrial Design in practice can benefit from dual protection either by Trademark or Copyright, not just by being registered as an Industrial Design.

3.4.1 Definition

There is no proper article in the Lebanese Law defining the industrial design. However, the general understanding is that an industrial drawing or design is any pattern or configuration of lines or colors, and any shape or form whether connected to lines or colors or not, which may be used in an industry or handicraft trade, manually or mechanically, including textile designs, provided that such configuration or shape gives the industrial commodity or handicraft a special aspect.

Examples of an industrial drawing or design that can be registered, new designs of coats and hats, accessories such as belts, ties, and shoes, a can of coca cola, bottles of alcoholic and non-alcoholic drinks, perfume bottles... What we can draw upon based on that definition, is that the design relates to the "appearance of a product". However, there is no requirement that a product be appealing to all, or aesthetically pleasing, thus appearance is defined broadly.

There is a debate globally about whether the design relates as well to the texture and feel of a product, or just its appearance. This is something that is not yet up to the debate in Lebanon.

Additionally, the question as to whether a design has to be "visible" to be protected arises, or is it fair to just say that the design can be detected during the course of normal use, such as the inside of a chocolate bar.

On a global level, there are some exceptions as to what is considered a design:

- Those that are dictated solely by their technical functionality;
- Designs for products that must be produced in a specific way to enable them to connect to another product; and
- Designs that are contrary to morality.

3.4.2 Requirements

Any inventor of a drawing or a design, or those who have rights thereto, shall alone have the right of usufruct thereto, and to sell, or offer it for sale, and to authorize its sale, provided that such drawing or design is, previously filed (**Article 48 of Resolution No 2385/LR of 1924**).

The drawings and designs which contain the two advantages of being new and distinctive, meaning, they include external characteristics to make them a special form which differentiates them from known drawings and designs may be filed. "A design is considered as new, if no identical design, or designs the features of which only different in immaterial details, has been made available to the public before the date of application" (**Article 49 of Resolution No 2385/LR of 1924**).

Accordingly, and on the basis of the specifications mentioned above, it is possible to file the fabrics which contain illustrated or sewn paintings and illustrated and painted papers for wall decorations, and the new designs of caftans, coats, and hats for women and men, cosmetic accessories such as scrapers, stockholders, shoes, corsets, covers of flasks and flacons, bottles of wines and alcoholic drinks and beverages, and perfumes.... etc. cardboard packages and boxes used for pharmaceutical products, external wrapping of goods or of any other product... etc (Article 50 of Resolution No 2385/LR of 1924). The above-mentioned listing shall not prevent the possibility of filing other similar things, which are not mentioned therein.

If the elements which make such a design a new one can be separated from the invention itself, then the inventor may, upon his request, benefit from both protections resulting from the certificate and the filing, provided that he pays the fees determined for each of these two processes.

3.4.3 Term of Protection

The protection term conferred to public or confidential filing after the expiry of the first five-year period shall be **25 years** counted from the date of first filing prescribed in the present Law. It is renewable once for a similar period of 25 years. (**Article 62 of the Resolution No. 2385/LR of 1924**)

3.4.4 Application/Registration Procedure

3.4.4.1 Place of Application

The Industrial Design application must be submitted by the owner or his legal representative to the Head of the Intellectual Property Protection Office, at the Ministry of Economy and Trade (MoET).

3.4.4.2 Eligibility

The inventor of a drawing or design or his agent or official proxy shall submit the filing application to the Head of the Intellectual Property Protection Office.

The applicant, may be Lebanese or foreigner, physical or moral person. The applicant's legal representative must be Lebanese. Hence, a foreigner wishing to file for an industrial design application before the competent authority must appoint a Lebanese agent or proxy for filing the application.

3.4.4.3 Requirements

Such an application shall contain the following instructions according to **Articles 53** of the Resolution No. 2385/LR of 1924; otherwise, it is considered null and void:

- Name, title, nationality, and domicile of the designer of the object required to be filed,

- When necessary, the same information about the authorized agent or proxy shall be mentioned,
- Number and type of the designs needed to be filed; on condition this number does not exceed one hundred and that all of these designs are from the same type.
- When necessary, designs or models to be published should be mentioned as per their serial numbers.

The following shall be attached to the application according to **Article 54** of the Resolution No. 2385/LR of 1924; otherwise, it will also be considered incomplete:

- Power of Attorney (POA) appointing a representative to act on behalf of the Applicant for the registration of Industrial Design Registration in Lebanon. The POA should be notarized and legalized up to the Lebanese Consulate in the country of origin.
- Name, address, nationality and type of business of the Applicant.
- Drawings of the designs including the dimensions thereof.
- Brief description of each design.
- Original Priority Documents in case of claiming priority rights.

3.4.4.4 Examination

As mentioned above, there are only formal examination procedures, but no substantive examination guidelines.

The examiner only makes sure that all the required documents and payments are given.

3.4.4.5 Period of Entire Registration Process

It takes around one month to go through the entire registration.

The below chart details the registration procedure:



3.4.5 Post-Registration

3.4.5.1 Registration Fees

Whether the depositor requests or does not request publishing on filing, the first filing, necessitates the payment of the following fees once the deposit has been approved:

Description	Amount in LBP / Yen
Registration Fees including up to 100 Designs/Drawings or designs of the same type	LBP/200,000/ + 10% Municipality Tax (680¥)
Registration Fees for each Drawing/Design	LBP/9,000/ (31¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Stamp Fees on the Registration Certificate	LBP/100,000/ (340 ¥)

3.4.5.2 Rights of the Right Holder

Real ownership is acquired by the use of the drawing or design.

The registration shall take effect on the date on which the application for registration of an industrial drawing or design has been filed, as prescribed in this law.

The proprietor of an industrial drawing or design shall have an exclusive right to exploit that drawing or design, including inter alia the following:

- To manufacture, sell, offer to sell, promote, use, import, export and possess a product in which the drawing or design is incorporated or to which it is applied.
- To prohibit third parties from manufacturing, selling or importing in the course of a trade, a product in which the drawing or design is incorporated or to which it is applied, without his permission.

3.4.5.3 Fees related to successful registration

With the exception of stamps affixed on the application documents all other fees including, registration, publication, stamp duties on the registration certification are paid after acceptance of the application. Therefore, refer back to section 3.4.5.1 here above.

3.4.5.4 Licensing

Industrial drawings or designs' rights may be licensed, in whole or in part, free of charge or against payment of a fee. Such license may be exclusive or non-exclusive license.

The same procedure shall apply as that of the trademark license.

Any agreement related to a drawing or design is not valid unless it is in writing. Agreements related to registered industrial drawings or designs shall apply to third parties only from the date of their registration in the register of industrial drawings or designs kept by the Office.

The record of the license shall be made at the request of the licensee to the agreement within three months from the date of signature of the agreement, (with the same licensing fees as that of a Trademark) taking into account legal time limits and distance, against payment of:

Description	Amount in LBP / Yen
Official Fees for the Recordal of Industrial Design License	LBP/90,000/ + 10% Municipality Tax (310¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Stamp Duty	4/1000 of the value of the License Agreement
Delay Fine for each two-month delay in recording the Licensing	LBP/50,000/ (170 ¥)

3.4.5.5 Renewal of Registration

The protection term may be renewed only once, at the request of the person who filed the industrial drawing or design or his assignee for a period of 25 years.

The Fees for an Industrial Design renewal are divided as follows:

Description	Amount in LBP / Yen
Renewal Fees including up to 100 Designs/Drawings or designs of the same type	LBP/200,000/ + 10% Municipality Tax (680 ¥)
Renewal Fees for each Drawing/Design	LBP/9,000/ (31¥)
Publication Fees	LBP/15,000/ (per line, consisting of 6 words) (51 ¥)
Stamp Fees on the Registration Certificate	LBP/100,000/ (340 ¥)

3.4.6 Enforcement of Rights

3.4.6.1 Enforcement Agency

The Enforcement Authorities may be judicial and/or administrative. The Judicial Authorities are Judge of Summary Matters, the Public Prosecution, Criminal Judge and Investigative Judge. In addition, the Administrative Authorities are the IP Office and the Customs.

3.4.6.2 Judicial System and Courts regarding IP Protection

As mentioned throughout this report, there are no specialized IP Courts in Lebanon, therefore any matters related to IP are brought before the Civil or Criminal Courts.

For further details, please refer to Section 3.1.6.2 herein above.

Upon suspected infringement based on the meaning of Resolution No 2385/LR of 1924 or that evidence related to an infringement may be destroyed, the right holder of an industrial drawing or design filed in due form may take all precautionary measures necessary to prevent such infringement from occurring.

The civil court handling the case and the competent public prosecutor shall have the right to take the precautionary measures prescribed in this paragraph.

Such decisions shall be served to the official authorities including the customs in order for such authorities to act accordingly.

The Judge of Summary Matters may take the conservatory measures permissible by law such as an injunction in order protect the infringed right and may impose mandatory fines.

The claimant of conservatory measures shall institute the legal proceedings before the competent court, within 15 days counted from the day on which the decision has been issued, at the risk of such procedures becomes null and void.

Moreover, pursuant to the Resolution No. 2385/LR of 1924, several administrative and judicial procedures are available to protect and enforce the Industrial Designs rights namely:

➤ **Petition to the Judge of Summary Matters**

Resolution No. 2385/LR of 1925 has granted the Industrial Design or Drawings Owner, the right to take all necessary precautionary measures to prevent any suspicious imminent design infringement.

For this purpose, the Judge of Summary Matters may take all decisions authorized by the law, in order to ensure the Industrial Design Rights that are likely to be infringed. Also, he may impose coercive measures to enforce his decisions.

For this a Petition should be filed before the competent Judge of Summary Matters requesting Ex-Parte Seizure Order to prohibit or to stop an imminent infringement. Pursuant to the execution of the Ex-Parte Seizure Order, a legal action in the merits, should be filed within 15 days as from the date of the record drawn by the Expert before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Ex-Parte Seizure Order.

In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take all precautionary measures referred to above.

➤ **Public Prosecution**

The Public Prosecution has the power to work on Ex-Officio basis in case of any violation of the Industrial Design or Drawing owner's rights.

In addition, the Industrial Design or Drawing Owner can file a Complaint before the competent Public Prosecution authority for the infringement of design rights. The complaint will be transferred to the Internal Security Forces (ISF) to investigate the matter and conduct a seizure if any.

Afterward, the Public Prosecutor will prosecute the infringers and will transfer the file to the competent Criminal Judge for trial. The case will flow in accordance with the legal procedures until the issuance of the Criminal Judge Decision.

➤ **Intellectual Property Office**

The Head of the Intellectual Property Office has also the power to work on Ex-Officio basis against any Industrial Design or Drawing infringement.

The Industrial Design or Drawing Owner can also opt to file a complaint before the Intellectual Property Office. A Fee of LBP/100,000/ (340 ¥) in addition to 10% Municipality tax will be applied on each Complaint. Inspectors from the Intellectual Office shall draw a seizure record including the details of the infringer, the seized products and their quantities, and any other relevant information.

Pursuant to the seizure record drawn by the Intellectual Property Inspectors, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Customs Seizure**

The Customs administration has also the right to act on Ex-Officio basis to seize any infringing products. This power is used by the Customs when inspecting shipments at the borders and inland through the Audit and Anti-Smuggling Unit.

Whenever the Customs seize any counterfeit products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized and destroyed. Otherwise, the products will be released.

The Industrial Design or Drawing Owner can also file a Petition to the Judge of Summary Matters to issue an Ex-Parte Seizure Order to seize any infringing products at the borders.

Pursuant to the seizure record drawn pursuant to the Judge of Summary Matters decision, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Cancellation Action**

Any third Party who considers that an Industrial Design registration is infringing upon its prior rights or is not eligible for Industrial Design registration, can file a cancellation action against this Industrial Design before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry.

In addition to the cancellation of the infringing Industrial Design, the Court might also decide to seize any infringing design(s) or equipment used in the infringement in addition to imposing indemnities upon the infringer and the publication of the Court decision in local newspapers.

3.4.6.3 Remedies

An act of infringement upon the rights of the proprietor of an industrial drawing or design without permission is defined as the following:

- Imitation of an industrial drawing or design filed in due form.
- Whoever knowingly sells, offer to sell, circulate, import, export or possess with the purpose of trading, products bearing an imitated industrial drawing or design, which have been duly filed;
- Whoever, in bad faith, affixed to a product, ads, trademarks, packaging tools or other, statements that lead to believe that he an industrial drawing or design has been filed.

Whoever commits one or more of the acts listed above shall be punished by a fine based on **Article 111** of Resolution No 2385/LR of 1924 and by the Penal Code Article **710**. Such penalty shall be doubled, if infringements are repeated, or if the infringer has assisted the proprietor of the industrial drawing or design, in this instance he'll be subject to imprisonment ranging from 2 to 6 months (**article 711** of the Penal Code).

It is worth mentioning that, even if the accused is acquitted of the criminal offense, the injured party shall be awarded damages. The infringing items and the machines and equipment that have been predominantly used in the manufacturing of such items shall be confiscated; the court may order to destroy such items, machines, and equipment or to dispose of them for any non-commercial purpose.

3.4.6.4 Summary of the remedies with Comparison table

- Criminal remedy: Imprisonment / Fine – Indemnities – Destruction – Publication of the Courts decision.
- Civil remedy: Indemnities – Seizure, confiscation and destruction of infringing products – coercive fine for each delay in executing the court decision – publication of the court decision – Cancellation of infringing registration.

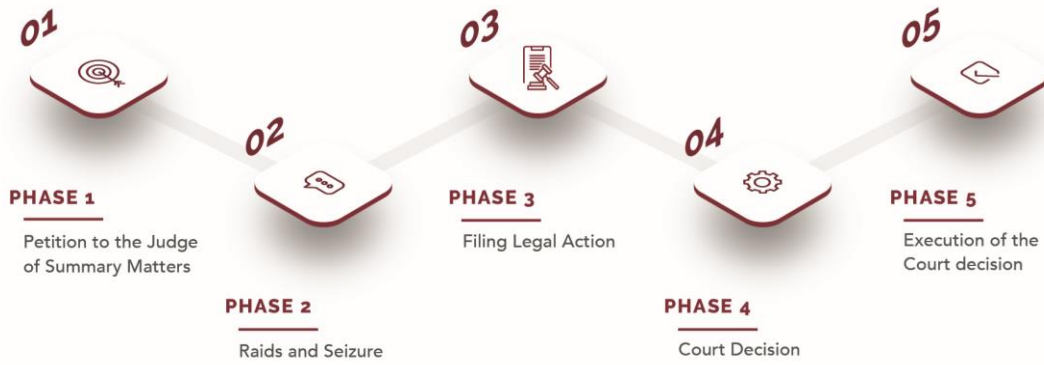
Criminal Remedies	Civil Remedies
Imprisonment	Seizure
Fine	Confiscation
Indemnities	Indemnities
Destruction	Destruction
Publication of Court Decision	Publication of Court Decision
	Coercive Fine for each delay in executing the Court Decision
	Cancellation of the infringing Design

3.4.6.5 Flowchart of the process of the Enforcement

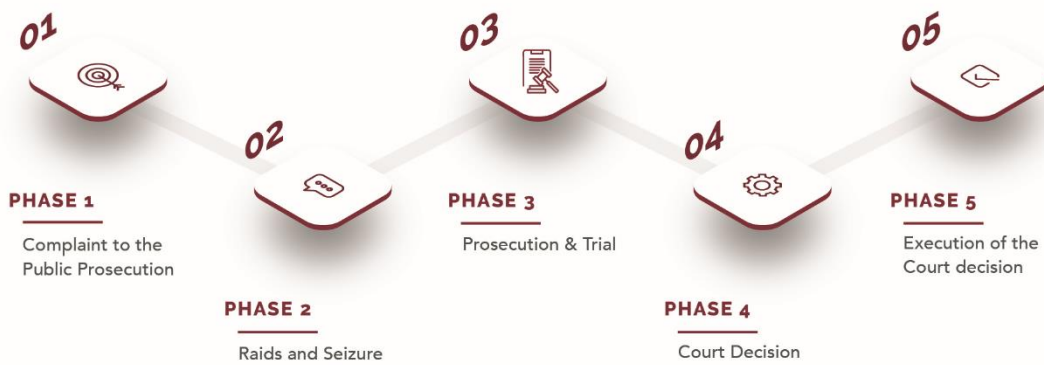
Complaint before IP Office at the Ministry of Economy & Trade



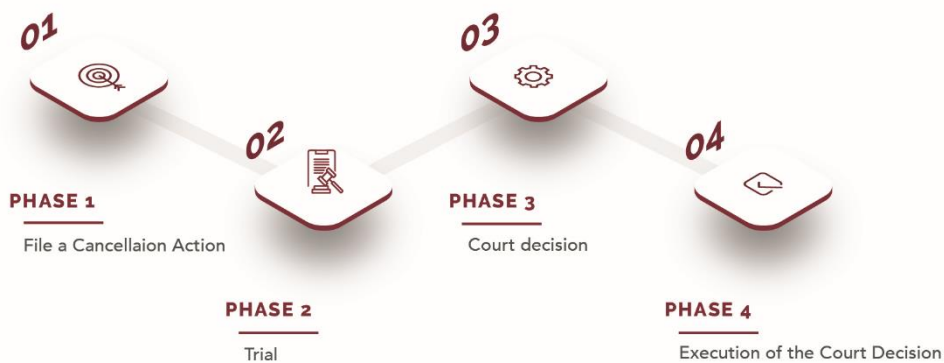
Petition filed before the Judge of Summary Matters



Complaint before the Public Prosecution



Cancellation Action Process



3.5 Geographical Indication

Until date, Lebanon does not have a Geographical Indication Law²¹ despite that a draft law was prepared from several years and is still pending at the Lebanese Parliament

However, the lack of legislation does not negate the fact that geographical indications are an important national matter and a crucial need to protect the domestic production, agriculture and culture. Meanwhile, the geographical indication shall be treated as collective marks.

3.5.1 Definition

The Lebanese Laws in force do not cover Geographical Indications. Thus, the adopted definition is that of the WIPO: "A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. In order to function as a GI, a sign must identify a product as originating in a given place. In addition, the qualities, characteristics or reputation of the product should be essentially due to the place of origin. Since the qualities depend on the geographical place of production, there is a clear link between the product and its original place of production."

Nevertheless, the draft law on Geographical Indications defines them as the name of a region, a specific place or, in exceptional cases, a country used to describe a product originating in that region, specific place or country, and which possesses a specific quality, reputation or other characteristics attributable to that geographical origin and, and the production and/or processing and/or preparation of which take place in that defined geographical area. (**Article 2** of the Draft Law).

The above definition shall be adopted once the Draft Law is promulgated.

3.5.2 Requirements

While Geographical Indications are not protected as such in Lebanon, the Lebanese legislation has authorized the registration of collective marks.

However, **Article 9** of the Draft Law on Geographical Indications specifies the following requirements for a successful registration:

- The name of the applicant and the document proving that such applicant is a representative.
- A mention indicating whether the designation is a geographical indication or a designation of origin.
- The specific elements of the product proving that the product comes from the same geographical area, a description of the link between the product and its origin, and the product traceability.
- The product specification referred to in **Article 11** of this Law.
- All technical, economic, historical and legal documents, proving the link between the product and its origin.

Until this law is adopted by the Lebanese Parliament, the protection will be based on the collective trademarks and the requirements for registration will be the same as detailed above for Trademarks.

²¹ https://www.economy.gov.lb/public/uploads/files/5739_5857_4497.pdf

Indeed, **Article 70** of Resolution No. 2385/LR²² defines Collective Mark as "to guarantee the good of their goods or products, the members of these groups may alone use this Collective Mark, or label, separately from the individual mark that each of them may possess".

Thus, the protection of Geographical Indications shall be ensured by registering a Collective Mark for the time being. This approach may not be the ultimate solution; however, it guarantees the protection of geographical indications for the time being until the legislation on geographical indications is finally adopted.

3.5.3 Term of Protection

The Draft Law on Geographical Indications do not indicate a Term of Protection for Geographical Indications. As in many legislations around the world, geographical indications are registered for an unlimited period and shall remain valid unless this registration is cancelled.

However, as the protection of geographical indications is only possible for the time being through the registration of a Collective Mark, the Trademark's term of protection, as described previously, is applicable.

3.5.4 Application/Registration Procedure

3.5.4.1 Place of Application

According to the Draft Law, a special department shall be created within the IP Office, charged to register and protect geographical indications and designations of origin. (**Article 6**).

Until this special department is created, the same procedure for applying for a Trademark shall be applied for Collective Marks.

3.5.4.2 Eligibility

To date, the parties eligible to apply for a Trademark are eligible for applying for a Collective Mark.

Article 8 of the Draft Law on Geographical Indications detailed the parties eligible for Geographical Indication Protection. It has included: "The following parties shall be entitled to apply for registration of geographical indications and designations of origin at the Ministry:

- Any association of producers or processors working with the same product, acting as representative based on two standards: if such association constitutes 50% of the production volume and includes 50% of the producers or processors number.
- A natural or legal person who is a sole producer of the product for which registration is requested in a specific area."

3.5.4.3 Requirements

The same requirements applied for Trademarks are applicable for the Collective Marks.

Once the Draft Law is promulgated, the requirements for Geographical Indications detailed above will be valid.

²² https://www.economy.gov.lb/public/uploads/files/7310_8240_8188.pdf

3.5.4.4 Examination

As for Collective Marks Examination, the formal examination shall be applicable. However, a special examination procedure shall be adopted by the implementing Decree of the Law on Geographical Indications once in force. (Article 6 of the Draft Law).

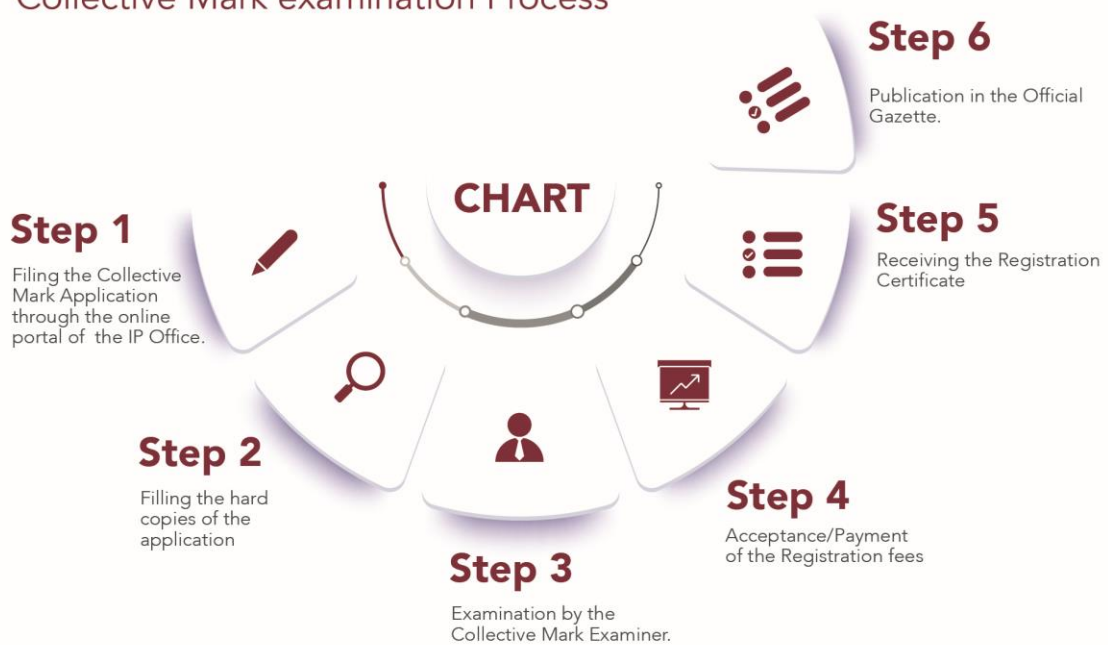
3.5.4.5 Period of Entire Registration Process

For Collective Marks, it takes around one month to go through the entire registration.

As for Geographical Indications registration, the process and time frames are not yet clear.

The below chart details the registration process of a Collective Mark, as the registration process of a Geographical Indication is not in force yet.

Collective Mark examination Process



3.5.5 Post-Registration

3.5.5.1 Registration Fees

The registration fees for Geographical Indications shall be determined by government decree upon the suggestion of the Minister of Economy & Trade. (**Article 12** of the Draft Law).

As for the Registration Fees for Collective Marks, the same fees for a Trademark are applicable.

3.5.5.2 Rights of the Right Holder

Once the Draft Law is adopted, the Control Body of the Geographical Indication shall have an exclusive right to use and exploit this Geographical Indication.

As for the time being, the owners of a Collective Mark will acquire the exact same rights owned by any other Trademark Owner.

3.5.5.3 Fees related to successful registration

To date, the fees related for Geographical Indication registrations are not yet determined. However, for Collective Marks Owners, the fees related to Trademark Registrations are applied.

3.5.5.4 Licensing

The Draft Law on Geographical Indications does not mention licensing of this Right. Indeed, normally, a Geographical Indication may be used by any party in the area of origin, who produces the good according to specified standards, thus, licensing is not possible for parties outside of the area of protection.

Until the Draft Law is adopted, licensing of Trademarks is applicable for Collective Marks. However, such licensing may seem inappropriate when the Collective Mark registration is meant to protect a Geographical Indication.

3.5.5.5 Renewal of Registration

Usually, Geographical Indications are protected for an unlimited period. However, for Collective Marks, the same provisions as renewal of trademarks apply.

3.5.5.6 Enforcement Agency

The Enforcement Authorities may be judicial and/or administrative. The Judicial Authorities are: Judge of Summary Matters, the Public Prosecution with the assistance of the internal security forces (ISF), Criminal Judge and Investigative Judge. In addition, the Administrative Authorities are The IP Office and the Customs.

3.5.5.7 Judicial System and courts regarding IP Protection

The Draft Law detailed the scope of protection of a Geographical Indication. In its **Article 20** it has stated that: "Registered geographical indications and designations of origin shall be protected against:

- any use of a protected name in respect of products identical or non-identical to the protected product;

- any use of a protected designation in respect of products that do not comply with the requirements of the product specification;
- any use leading to the exploitation of the reputation of the protected name;
- any use liable to mislead the consumer as to the true origin of the product.
- Any imitation of the name, if the true origin of the product is not the place referred to by the name even if the true origin of the product is indicated, or if the protected name is translated or accompanied by an expression such as "type", "style", "method", "imitation" or similar expressions.
- any imitation as to the shape, packaging, or advertising material related to the product concerned liable to convey a false impression as to its true origin;
- any use of a geographical indication or designation of origin, constituting an unlawful competition according to Article 10 (a) of the Paris Convention.

The Implementing Decree of this Draft Law shall further develop the enforcement of Geographical Indications.

Meanwhile the draft law is in force, the Judicial System and courts regarding Trademark Protection, as detailed in the Trademarks Section, shall be applied for Collective Mark.

3.5.6 Enforcement of Rights

3.5.6.1 Enforcement Agency

The Enforcement Authorities may be judicial and/or administrative. The Judicial Authorities are Judge of Summary Matters, the Public Prosecution, Criminal Judge and Investigative Judge. In addition, the Administrative Authorities are the IP Office and the Customs.

Given that there is currently no law governing Geographical Indications, the same enforcement as to the Trademark regime shall apply for these Geographical Indications.

As a reminder, the enforcement agencies are as follows:

3.5.6.2 Judicial System and Courts regarding IP Protection

As mentioned above, Lebanon does not have specialized IP Courts to deal with IP matters. Therefore, any legal action in relation to trademark matters should be filed before the judicial courts whether criminal or civil/commercial depending on the criteria of each case.

As for the Lebanese Judicial system, you can refer to section **3.1.6.2** herein above.

Pursuant to the Resolution No. 2385/LR of 1924, several administrative and judicial procedures are available to protect and enforce the Trademarks rights namely:

➤ Petition to the Judge of Summary Matters:

Resolution No. 2385/LR of 1924 has granted the Trademark Owner, the right to take all necessary precautionary measures to prevent any suspicious imminent trademark infringement.

For this purpose, the Judge of Summary Matters may take all decisions authorized by the law, in order to protect the Trademark Rights that are likely to be infringed. Also, he may impose coercive measures to enforce his decisions.

For this a Petition should be filed before the competent Judge of Summary Matters requesting an Ex-Parte Seizure Order to prohibit or to stop an imminent infringement. Pursuant to the execution of the Ex-Parte Seizure

Order, a legal action in the merits, should be filed within 15 days as from the date of the record drawn by the Court Clerk before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Ex-Parte Seizure Order.

In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take all precautionary measures referred to above.

➤ **Public Prosecution**

The Public Prosecution has the power to work on Ex-Officio basis in case of any violation of the Trademark owner's rights.

Again, we should mention that the Trademark owner should act to enforce his right in the Trademark, since in practice the Public Prosecution will rarely do so of its own.

In addition, the Trademark Owner can file a Complaint before the competent Public Prosecution for Trademark infringement. The Complaint will be transferred to the Financial Crime and Anti-Money Laundering Unit at the Internal Security Forces (ISF) or to the Cybercrime and Copyright Unit at the ISF to investigate the matter and conduct a seizure if any.

Afterward, the Public Prosecutor will prosecute the infringers and will transfer the file to the competent Criminal Judge for trial. The case will flow in accordance with the legal procedures until the issuance of the Criminal Judge Decision.

➤ **Intellectual Property Office**

The Head of the Intellectual Property Office has also the power to work on Ex-Officio basis against any Trademark infringement.

The Trademark Owner can also opt to file a complaint before the Intellectual Property Office.

For each complaint a fee of LBP/100,000/ (340 ¥) in addition to 10% Municipality Tax must be paid.

Inspectors from the Intellectual Office shall draw a seizure record including the details of the infringer, the seized products and their quantities, and any other relevant information.

Pursuant to the seizure record drawn by the Intellectual Property Inspectors, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts and destruction of the seized products. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Customs Seizure**

The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing products. This power is used by the Customs when inspecting shipments at the borders and inland through the Audit and Anti-Smuggling Unit.

Whenever the Customs seize any counterfeit products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an

affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized and destroyed. Otherwise, the products will be released.

The Trademark Owner can also file a Petition to the Judge of Summary Matters to issue an Ex-Parte Seizure Order to seize any infringing products at the borders.

Following the seizure record drawn pursuant to the Judge of Summary Matters decision, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Cancellation Action**

Any third Party who considers that a Trademark registration is infringing upon its prior rights or is not eligible for trademark registration, can file a cancellation action against this Trademark before the competent Court of First instance seeking to cancel this registration and its strike-off from the IP Office registry.

The Trademark Law did not provide the cases that can lead to the cancellation of a registered Trademark. However, in practice such cases may include:

1. If the Trademark is identical or confusingly similar to a duly registered Trademark or a well-known mark.
2. If the Trademark is descriptive or generic and thus not entitled protection as trademark.
3. If the Trademark constitutes an infringement to a third-party copyright or industrial design.

In addition to the cancellation of the infringing trademark, the Court may also decide to seize any infringing products or equipment used in the infringement in addition to imposing indemnities upon the infringer and the publication of the Court decision in local newspapers.

In the case between MEPTICO and Orion Corporation, whereby MEPTICO was seeking the cancellation of the registration of Orion Corporation trademark “Custard” in Arabic. The Court found that the registration of a generic term was harmful to the product of MEPTICO, which is custard, and therefore cancelled the Trademark registration of “Custard” in Arabic. This case confirmed the right to seek cancellation for a trademark that is descriptive or generic, considering the term “custard” as generic.

(Court of First Instance of Mount Lebanon – Decision No 4, issued on 31/01/2017 – This decision is not published).

3.5.6.3 Remedies

Resolution No 2385/LR of 1924 and the Lebanese Penal Code No 340 of 1943²³ impose sanctions on infringements of the trademark rules and regulations.

It is worth mentioning that as **Article 27** of the Draft Law, whoever violates the provisions of the scope of protection previously detailed shall be liable to imprisonment from three months to three years and to a fine ranging between of LBP/5,000,000/ (17,000 ¥) to LBP/50,000,000/ (170,000 ¥) .

In the meantime, the remedies and sanctions for Trademark Infringement are applied.

➤ **Sanctions based on Resolution No 2385/LR of 1924**

The trademark owner has the right to demand protection of his right against any infringement or imitation (**Article 105 and 106**).

²³ https://sherloc.unodc.org/cld/uploads/res/document/lebanon-penal-code_html/Lebanon_Penal_Code_1943.pdf

The Trademark Law in Lebanon states in **Article 105** as infringement as follows:

- Any person who determines in whatever manner or way that an unregistered mark is registered;
- Any person who deliberately imitates or uses a registered mark without the authorization of the owner of the mark even if the mark is accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like in a way as to mislead the public;
- Any person who affix to his goods or products a mark belonging to another person;
- Any person who deliberately sells or offers for sale a product bearing a counterfeited mark or a fraudulent imitation of the original mark;
- Any person who delivers a product other than the one requested under a specific mark;

Shall be liable to a fine and to imprisonment for a term varying from three months to three years or to one of the foregoing sanctions.

In addition, **Article 106** of the said Law states as imitation the following:

- Any person who makes a fraudulent imitation of a mark, without counterfeiting the mark, with the intent to deceive the public or uses a fraudulent imitation of a mark;
- Any person who uses a mark bearing fraudulent indications of such nature as to mislead the public as to the nature of the product requested;
- Any person who deliberately sells or offers for sale a product bearing a fraudulent imitation of a mark or fraudulent indications of such a nature to mislead the public as to the nature of the product;

Shall be liable to a fine and to imprisonment for a term varying from two months to two years or to one of the foregoing sanctions.

The matter of deciding whether there is an infringement or imitation is left to at the discretion of the Court as stated in **Article 107**:

“The Courts shall evaluate the imitation and the copying to deceive by looking at the copied or imitated thing from the consumer point of view and considering the total similarity rather than differences in details between the original trademark and the trademark subject of the case”.

The infringer will be subject to a fine or imprisonment, or both, decided by the Courts.

Moreover, the infringement of a Tradename as that of a Trademark shall be punishable by a fine or imprisonment or both.

The jurisprudence has adopted the principle provided for in **Article 107** of Resolution No. 2385 of 1924, which stipulates that the courts shall estimate the importance of the imitation or reproduction with the intent to deceive based on the overall similarity in the mark from the consumer’s viewpoint, rather than relying on the differences in the elements present between the original mark and the trademark subject of the lawsuit.

However, in the event of repeated violations as mentioned above, the penalty shall not be more than the upper limit specified in these articles nor above the upper limit multiplier, moreover the offender must be imprisoned for a period of two months to five years (**Article 109**).

Additional sanctions are imposed upon the infringers, such as the lack of possibility of membership in the Chamber of Commerce, Associations, Syndicates, Cooperatives and any elected assembly in general.

Moreover, even if the infringers are acquitted of their crime, the items which have caused injury to the rights holder in accordance with the law, shall be seized and destroyed.

The Court will impose upon the infringers the payment of a fair compensation for the moral and material damages incurred by the Trademark Owner. It is worth mentioning that this compensation can be imposed even in the cases where the Defendant was considered innocent.

➤ **Sanctions based on Penal Code**

In accordance with the Penal Code, the essential element to seek the application of the sanction is to prove that the person committing the violation is aware of the infringement that he is perpetrating.

Article 702 of the Penal code imposes a sanction of LBP/100,000/ **(340 Yen)** up to LBP/1,000,000/ (3400 Yen) with imprisonment of three months up to three years, or any of the two, against:

- Any person who imitated knowingly or uses a filed trademark without being licensed by the owner of the trademark in a way to deceive the purchaser,
- any person who puts on his products or the brands of his trades a trademark belonging to another person,
- any person who sells knowingly or offers for sale a product on which an imitated trademark or trademark similar to the original trademark is put in a way meant to be fraud (article 703),
- any person who hands over a product other than that requested from him under a certain trademark.

The judge shall evaluate the intent of fraud by looking at the copied or imitated thing from the viewpoint of the consumer.

He shall consider the total similarity rather than differences in details between the real trademark and the trademark subject of the claim in question.

➤ **Sanction for Unfair Competition**

It is also possible to prosecute the infringers as well for unfair competition, when its conditions materialize, as per the provisions of **Articles 97 and 98** of Resolution No 2385/LR of 1924, in conjunction with Article 714 of the Penal Code, Decree No 340 Issued on 01/03/1943, which imposes a penalty of LBP/100,000/ **(340 ¥)** up to LBP /500,000/ (1700¥).

Article 714 of the Penal Code states: “Each person who commits, through fraudulent means, false allegations or hinting in bad faith, to divert the customers of others to him shall be punished, upon a complaint of the prejudiced person, by a fine varying from one hundred thousand to five hundred thousand Lebanese Pounds.”

Punishment is applied as well for attempt to commit this crime”.

Article 97 of Resolution No 2385/LR of 1924 states:

“The following shall be considered illegal competition:

- 1- Any violation of this Resolution, lacking any of the conditions which make the application of the penalties provided for in Part Six herein below possible.
- 2- Any action which the courts may consider and reach the conclusion that it is illegal competition.”

Article 98 of Resolution No 2385/LR of 1924 states:

“The acts of illegal competition can be sued only by a claim to stop the competition or the harmful action. Also, a claim may be filed for inactivity and damage, except in the circumstances in which such acts are considered violations punished by the penal laws or this Resolution.”

3.5.6.4 Summary of the remedies with Comparison table

- Criminal remedy: Imprisonment / Fine – Indemnities – Destruction – Publication of the Courts decision
- Civil remedy: Indemnities – Seizure, confiscation and destruction of infringing products – coercive fine for each delay in executing the court decision – publication of the court decision- Cancellation of the Infringing Registration

Criminal Remedies	Civil Remedies
Imprisonment	Seizure
Fine	Confiscation
Indemnities	Indemnities
Destruction	Destruction
Publication of Court Decision	Publication of Court Decision
	Coercive Fine for each delay in executing the Court Decision
	Cancellation of the infringing Collective mark

3.5.6.5 Flowchart of the process of the Enforcement

The below flowchart details the Process of enforcing a Collective Mark as the Draft Law on Geographical Indications do not include details on Enforcement.

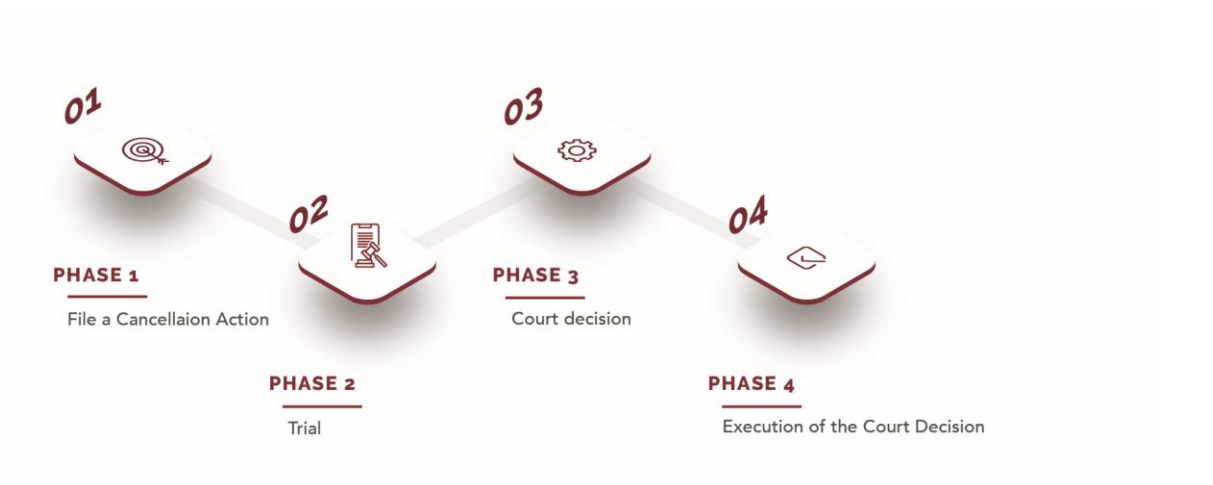
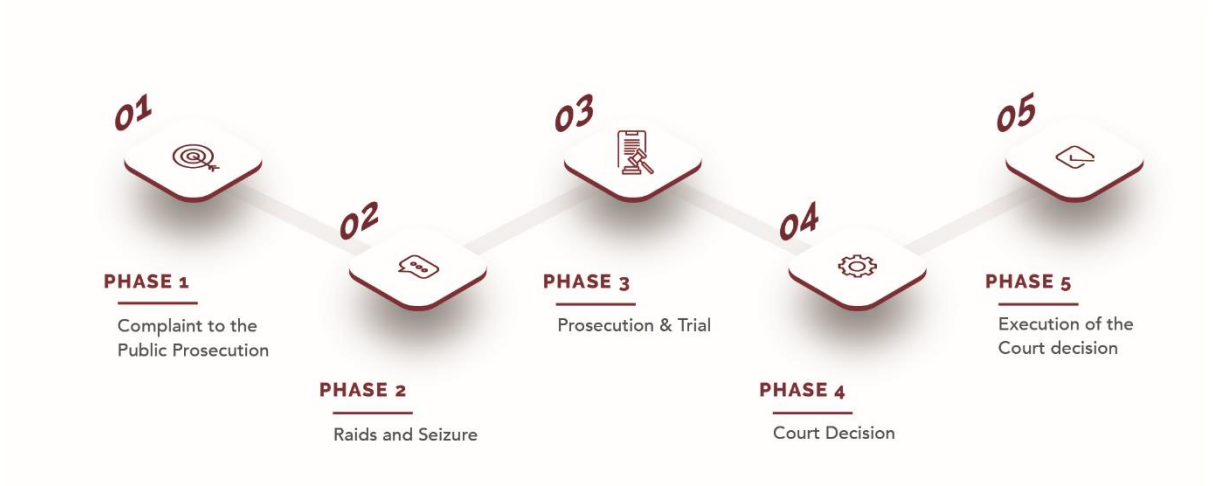
Complaint before IP Office at the Ministry of Economy & Trade



Petition before the Judge of Summary Matters



Complaint before the Public Prosecution



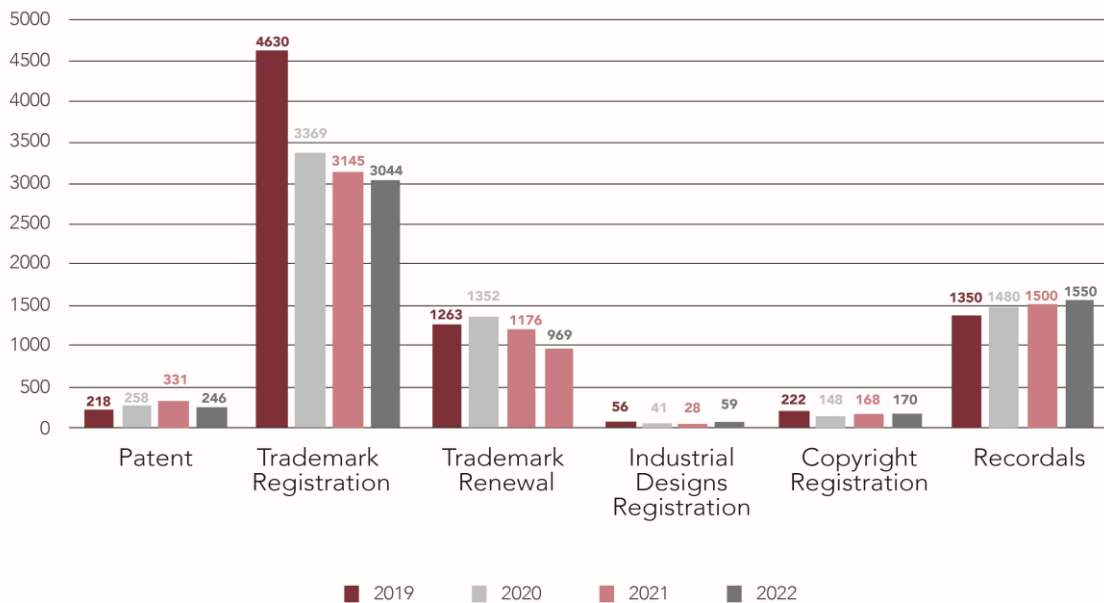
3.6 Statistics on IP Registration

Despite the lack of statistics in Lebanon, the IP Office was able to provide some statistics regarding the number of IP Registrations in the last 3 years. In addition, the WIPO has published some statistics on its page about registrations in Lebanon.

The below table details the statistics related to IP registration, covering all manners of IP from 2019 to 2021:

Year	Patent	Trademark Registration	Trademark Renewal	Industrial Designs Registration	Copyright Registration	Records
2019	218	4630	1263	56	222	1350
2020	258	3369	1352	41	148	1480
2021	331	3145	1176	28	168	1500
2022 to date	246	3044	969	59	170	1550

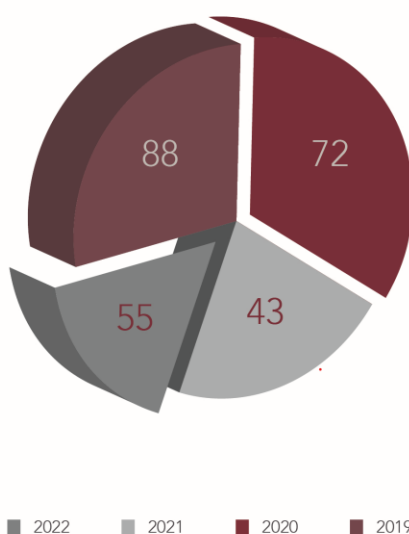
IP Records and Registration In Lebanon



The below table shows the number of Lebanese vs Foreign Companies Registered in Lebanon:

Year	Total Trademark Registration	Lebanese Trademark Registration	Foreign Trademark registration	Japanese Trademark registration
2022	3044	1552	1437	55
2021	3145	1683	1419	43
2020	3369	1624	1673	72
2019	4630	2266	2276	88

Japanese Companies Trademark Registration Statistics



The below table shows statistics for IP rights in Lebanon from 2012 to 2021²⁴

Year	Patent	Trademark (class count)	Industrial Design (design count)	GDP (Constant 2017 US\$)
2012				99.32
2013	161	5,795		103.12
2014	140	4,867		105.68
2015	161	6,928		106.17
2016				107.82
2017				108.79
2018				106.74
2019				99.36
2020				73.62
2021				65.88

²⁴ Please refer to WIPO Database: https://www.wipo.int/ipstats/en/statistics/country_profile/profile.jsp?code=LB

Number of Patent Applications filed from 2012 to 2021:

Year	Resident	Non-Resident	Abroad
2012			39
2013	105	250	56
2014	80	261	60
2015	110	194	51
2016			44
2017			85
2018			76
2019			79
2020			84
2021			42

The Patent Grants as found on WIPO Database:

Year	Resident	Non-Resident	Abroad
2012	59	258	13
2013	75	250	13
2014	55	261	11
2015	85	194	20
2016			24
2017			27
2018			29
2019			36
2020			23
2021			46

Number of Classes Specified in Trademark Applications:

Year	Resident	Non-Resident	Abroad
2012			2,158
2013	805	274	4,990
2014	971	243	3,896
2015	1,253	284	5,675
2016			5,536
2017			4,211
2018			3,765
2019			3,966
2020			3,390
2021			6,918

The below table details the Number of Classes Specified in Trademark Registrations:

Year	Resident	Non-Resident	Abroad
2012			2,214
2013	3,489	5,758	3,202
2014	3,822	6,141	3,832
2015	4,098	5,429	2,685
2016			5,568
2017			4,676
2018			2,582
2019			5,294
2020			2,545
2021			6,509

The below table details the Number of Designs in Industrial Designs Applications:

Year	Resident	Non-Resident	Abroad
2012			112
2013			560
2014			12
2015			184
2016			51
2017			1,015
2018			134
2019			89
2020			174
2021			672

The below table details the Number of Designs in Industrial Design Registrations:

Year	Resident	Non-Resident	Abroad
2012			192
2013			520
2014			545
2015			183
2016			31
2017			1,014
2018			126
2019			89
2020			151
2021			674

4. Counterfeits and Piracy Products in Lebanon

4.1 Definition of the counterfeits and piracy products in Lebanon

The Lebanese IP Laws do not provide a clear definition of counterfeiting or piracy. Rather, they provide a list of acts or activities that are considered as counterfeiting or piracy incidence. However, The Definition of counterfeiting as stated in the TRIPS Agreement is adopted in Lebanon by the judicial and enforcement authorities which define Trademark counterfeit goods as follows:

“Counterfeit trademark goods shall mean any goods, including packaging, bearing without authorization a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such a trademark and which thereby infringes the rights of the owner of the trademark in question under the law of the country of importation”.

The same applies to piracy which is defined in the TRIPS Agreement as follows:

“Pirated copyright goods shall mean any goods which are copies made without the consent of the right holder or person duly authorized by the right holder in the country of production and which are made directly or indirectly from an article where the making of that copy would have constituted an infringement of a copyright or a related right under the law of the country of importation”.

4.2 Current situation of Counterfeits and Piracy Products

4.2.1 Names and Places of Market

As mentioned above, due to the current crisis in Lebanon and the very limited enforcement activities, the counterfeit and pirated products of all kinds are spread in the Lebanese Market.

For the counterfeit Japanese brands in these markets, the most affected products by counterfeiting might include video games, printer cartridges, electric appliances, vehicle spare parts, tobacco and other products.

The main markets which we have seen counterfeit products in are the following:

- **Beirut** namely:
 - Sabra camp (Palestinian camp where we can find all range of counterfeit products)
 - Hamra street (Mainly Luxury products)
 - Mar Elias Street (Mainly Luxury products)
 - Tarik El Jadida (Mainly Electric appliances, electronic products, video games, and clothing)
 - Afif El Tibi Street (Mainly clothing, shoes and bags)
 - El Bassta (Mainly FMCG products in addition to other range of products)
 - Barbir (Mainly FMCG products in addition to other range of products)

- **Mount Lebanon** namely:
 - Dahieh Region (All range of products and FMCG products)
 - Rihab Street (All range of products, FMCG, Cosmetics)
 - Mouawad Street (All range of products, and FMCG products)
 - Borj El Barajni Camp (Palestinian camp where you can find all range of products)
 - El Laylaki (All range of products and FMCG products)
 - Hay EL Sellom (All range of products and FMCG products)
 - St. Therese (All range of products and FMCG products)

- Bourj Hammoud (Mainly clothing, shoes, bags, luxury products and FMCG products)
 - Zalka (Mainly clothing, luxury, shoes, bags)
 - Jounieh (Mainly clothing, luxury products, shoes, bags)Jbeil (Mainly clothing, shoes, bags and luxury products)
 - Furn El Chebak (Mainly clothing, luxury, shoes, bags)
 - Nabaa (Mainly clothing, luxury, shoes, bags and FMCG products)
 - Sin EL Fil (Mainly clothing, luxury, shoes, bags and FMCG products)
 - Bauchrieh (Mainly vehicle Spare parts)
 - Ouzai (Mainly vehicle Spare parts and FMCG products)
- **South Lebanon** namely:
 - Saida (All range of products and FMCG products)
 - El Ghaziyeh (All range of products, FMCG products and Vehicle spare parts)
 - El Nabatieh (All range of products, FMCG products and Vehicle spare parts)
 - Tyr (All range of products, Luxury, Bags, FMCG)
- **North Lebanon** namely:
 - Tripoli (All range of products, FMCG)
 - El Beddawi Camp (Palestinian camp)
 - Jabal Mohsen (All range of products, FMCG)
 - Bab El Tebbaneh (All range of products, FMCG)
 - Souk El Kameh (All range of products, FMCG)
- **Beqaa and Baalbek/ Hermel** regions namely:
 - El Masna'a region (All range of products, FMCG products and vehicle spare parts)
 - Chtaura (All range of products and FMCG products)
 - Baalbek (All range of products and FMCG products)
 - Hermel (All range of products and FMCG products)

It is worth mentioning that the counterfeit products found in these regions, differ from one market to another depending on the type of products. Some of these markets are well known for luxury products, while others are known for detergents and FMCG while others are known for spare parts.

For the Palestinian camps, the Lebanese authorities cannot in practice enter these camps to conduct any raids or inspections. Therefore, when there are any suspected counterfeit or infringing products, in practice any enforcement activity should be conducted outside the camp borders.

Moreover, there are other regions that are sensitive from a security perspective, such as Dahieh area, Baalbek or Hermel, therefore certain security measures should be considered before conducting any raids in such locations..

4.2.2 Counterfeits and piracy products subject in the Markets

All kind of counterfeit and pirated products can be found in Lebanon among them:

- Electronics
- Home appliances
- Automobile spare parts and lubricants.
- Luxury products including clothes, footwear, bags, watches and accessories.
- Cosmetics and perfumes
- Foodstuffs

- Tobacco products
- Medicines and Medical Supplies
- Fast Moving Consumer Goods (FMCG) including shampoos, toothpaste, toothbrushes, detergents, households,
- Alcoholic beverages
- Books, CDs and DVDs.

4.2.3 Distribution Channels

In the past, Lebanon was considered as an importer/consumer of counterfeit products produced in other countries with small local production facilities. The main origin of the counterfeit products are the following countries:

- China
- Turkey
- Egypt
- Syria

The counterfeit products enter Lebanon through seaports, airports and land borders from Syria. Lebanon has land borders to the East and North with Syria spanning approximately 375 Km long, with the South border with Occupied Palestine being closed off, with no possible crossing.

This very long land border with Syria includes seven legal border crossings, while several illegal crossings are also utilized by counterfeiters and smugglers.

Once the counterfeit products enter Lebanon or are locally produced in Lebanon, they are usually stocked in sensitive regions such as the Palestinian Camps or Dahieh region. Afterward, the distribution is mainly done in small truck and vans. The counterfeit products are transferred to wholesalers and retailers in small to medium quantities.

Most of the wholesalers and retailers still adopt the traditional trading means by offering the products for sale in their warehouses and shops. However, and after the COVID 19 pandemic, we noticed a rise in the e-commerce and online sale of counterfeit products namely through social media pages and online marketplaces.

Due to the current crisis in Lebanon, the local manufacturing of low-quality counterfeit products and refilling and packaging of counterfeit products has increased. Such activities are usually carried on in sensitive areas such as the Palestinian camps, dahieh region and near the Syrian borders.

4.2.4 Statistics

In Lebanon, there is a huge lack of data and statistics in all fields including counterfeiting and anti-counterfeit activities.

There are different enforcement authorities who have their own data or statistics related to counterfeit measures. However, this data is not shared among these authorities, or centralized in a database to have proper statistics.

Therefore, to obtain any statistics, it is mainly a private collection effort, based on our experience, to collect the data that is either available on these authorities' website or physically obtain the data (if available) and analyze it.

4.2.5 Enforcement

As we mentioned throughout the different sections in this report, the IP enforcement activities are highly linked to the rights owner taking action, while there are definitely groups which are conducting trainings and awareness sessions to the enforcement authorities in order to assist in the detecting and seizing of the counterfeit or infringing goods or products.

Each right owner of an IPR will have access to a judicial and or administrative course of action, which are the following:

Judicial course of action:

- Judge of Summary Matters,
- Public Prosecution,
- Criminal Judge and Investigative Judge, with the assistance of the internal security forces (ISF).

In addition, the Administrative Authorities namely the IP Office and the Customs.

As a reminder as well, Lebanon does not have specialized IP Courts dealing in IP matters despite all the efforts and lobbying made in this respect.

Thus, IP cases are filed before the judicial courts, criminal or civil/commercial depending on the criteria of each case. The Lebanese Judicial system is organized by virtue of the Law of the judicial judiciary and the Judicial Organization issued by virtue of the legislative decree number 150/83 dated 16 September 1983. For more information on the division of the Lebanese Judiciary, you can consult the following link:

<https://www.justice.gov.lb/index.php/court-details/6/1>

The Judicial Courts in Lebanon are divided between Civil Court and Criminal Courts.

The Civil Courts include:

- Court of First Instance including:
 - Single Judges.
 - Chambers of the Court of First Instance
- Court of Appeal
- Court of Cassation

As for the Criminal Courts, they include:

- Public Prosecutions
- Investigative Judges
- Accusatory Chamber
- Criminal Single Judges
- Court of Appeal
- Court of Cassation

In general, the different course of enforcement actions are similar to all the IPR rights, as summarized here below:

➤ **Petition before the Judge of Summary Matters:**

The IPR owner can take all necessary precautionary measures to prevent any suspicious imminent infringement.

For this purpose, the Judge of Summary Matters may take all decisions authorized by the law, in order to ensure the protection of the right that is likely to be infringed. As well, he may impose coercive measures to enforce his decisions.

For this, a Petition should be filed before the competent Judge of Summary Matters requesting Ex-Parte Order to prohibit or to stop an imminent infringement. Pursuant to the execution of the Ex-Parte Order, a legal action in the merits, should be filed within 15 days as from the date of the record before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Ex-Parte Order.

In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take all precautionary measures referred to above.

➤ **Public Prosecution**

The Public Prosecution has the power to work on Ex-Officio basis in case of any violation of an IPR. However, in practice if the right owner does not take measures to enforce his rights, the public prosecution will rarely act on its own.

Therefore, the Right Owner or any right holder can and should file a Complaint before the competent Public Prosecution for patent infringement. The Complaint will be transferred to the Internal Security Forces (ISF) to investigate the matter and conduct a seizure if any.

Afterward, the Public Prosecutor will prosecute the infringers and will transfer the file to the competent Criminal Judge for trial. The case will flow in accordance with the legal procedures until the issuance of the Criminal Judge Decision.

➤ **Intellectual Property Office**

The Head of the Intellectual Property Office has also the power to work on Ex-Officio basis against any IPR infringement.

The right owner can also opt to file a complaint before the Intellectual Property Office. A Fee of LBP/100,000/ (340 ¥) in addition to 10% Municipality tax will be applied for each complaint. Inspectors from the Intellectual Property Office shall draft a seizure record including the details of the infringer, the seized materials and their quantities, and any other relevant information.

Pursuant to the seizure record drawn by the Intellectual Property Office Inspectors, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Customs Seizure**

The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials. This power is used by the Customs when inspecting shipments at the borders and inland through the Audit and Anti-Smuggling Unit.

Whenever the Customs seize any counterfeit products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an

affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized and destroyed. Otherwise, the products will be released.

Any Right Holder can also file a Petition to the Judge of Summary Matters to issue an Ex-Parte Seizure Order to seize any infringing materials at the borders.

Pursuant to the seizure record drawn based on a decision issued by the Judge of Summary Matters, a legal action in the merits, should be filed within 15 days as from the seizure date before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.

➤ **Cancellation Action**

Any third Party who considers that the registration of a right is infringing upon its prior rights or is not eligible for registration, can file a cancellation action against this right before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry.

In addition to the cancellation of the infringing right, the Court might also decide to seize any infringing goods or equipment used in the infringement in addition to imposing indemnities upon the infringer and the publication of the Court decision in local newspapers.

For additional details on each enforcement action pertaining to a specific right, please refer to Sections 3.1.6, 3.2.6, 3.3.6, 3.4.6 and 3.5.6 here in above.

4.2.6 Countermeasures to Combat Counterfeit

With the current spread of counterfeit products in the Lebanese Market, to be really effective, the measures implemented by IP Right owners against counterfeiting should be rapid, aggressive and broad.

Such counterfeiting activities simply cannot be undertaken by implementing piecemeal solutions or occasional enforcement. It becomes necessary for IP Right owners to have a comprehensive strategy to deal with counterfeiting at all levels and use different methods including market surveys and legal action, in addition to other complimentary activities such as training given to enforcement authorities and awareness campaigns.

4.2.6.1 Market Surveys and Monitoring

The setting of the strategy is initiated through information gathered by the IP Right owner or through a basic study of the market, conducted by a local surveyor, which divides the market into different regions, and based on the sector involved different merchants, warehouses, places of business.

This market survey cannot be done without engaging specialized market surveyors, who are knowledgeable and well trained on spotting counterfeit. These market surveyors are usually trained by representatives of rights owners, who have established a cooperative relationship in dealing in counterfeit. Moreover, as confidentiality is a key element in these cases, it is advisable to deal with trusted surveyors, who understand the risks involved and do not alert the infringers (whether intentionally or not).

Furthermore, the surveyors will start by dividing the market into sectors, as recommended by the rights owner representative, so that each surveyor tackles one sector.

The continuous monitoring cannot be done without the involvement of the rights owner representative, who instigates the scanning of the market to ensure that the enforcement activities are successful, or that previous infringers do not lapse into old habits.

4.2.6.2 Legal Procedures

As detailed above, in Lebanon, several legal procedures are available to request Ex-Parte seizure orders, seize the counterfeit products and prosecute the infringers, whether a full strategy is adopted or a single or multiple case per case strategy is implemented.

To be efficient, the measures implemented by any IP Right Owner against counterfeiting should be rapid, aggressive and broad right at the beginning of the strategy, so that word is spread that there is a zero-tolerance policy against any counterfeit activity.

When an IP Right owner aggressively litigates against the identified counterfeiters irrespective of the quantities involved, seeking the maximum damages provided by law, word invariably spreads in the marketplace that when dealing with its products, it is necessary to ensure that the goods are genuine or bear the consequences of prosecution. Retailers will thus be wary of purchasing items bearing counterfeit trademarks from unofficial sources and with improper invoices, especially that the Lebanese Jurisprudence is consistent in this regard.

It is highly recommended to commence legal action against the main infringers/distributors, without offering or opting for immediate settlement, and particularly without the payment of indemnities. This does not serve as a deterrence to other infringers when not accompanied by monetary damages. In some cases, the retailers revert to selling counterfeit products in the “black market”. Indeed, quick, non-monetary settlements send out the message to the black market that it is safe to cash out counterfeits of the trademark owner’s product, just do not keep an abundance of inventory in case they are caught.

In parallel to the market survey and monitoring to locate counterfeit products in the Lebanese market, the IP Right owner, through its legal representative, will instigate criminal legal actions against “Unknown” before the competent Public Prosecution, or other competent courts to seek Ex-Parte Seizure Orders to be implemented by the ISF and /or any other competent enforcement body. Some raids can be conducted with the cooperation of other concerned authorities if necessary (Customs, Consumer Protection Department at MoET, Judges of Summary matters, etc...).

In order to approach these authorities, it is best to be represented by a Lebanese Law Firm or Attorney who has knowledge in this field and can assist on the manner of approaching them. The cooperation between the public and private sector functions well in this instance and has led to good results in the past.

Afterward a raid is executed and counterfeit products and other evidence such as invoices and materials used in the illegal activities are seized.

After the seizure, the case will flow in accordance with the regular legal procedure until the signature of Settlement Agreements with the infringers including payment of indemnities and/or the issuance of Court Decision against them.

It is worth mentioning that the root of counterfeiting is money. A counterfeiter will continue in the business unless it is shown to be unprofitable. If it is known in the marketplace that an IP Right owner is serious about sustaining its anti-counterfeit strategy and thus, has obtained a considerable amount from judgments against counterfeiters, whether those judgments are collected or not, this may serve as deterrent to those contemplating involvement with counterfeit products. Experience shows that mid-term sustainability of such strategy usually leads the counterfeiters in moving to other less aggressive brands.

On another hand, and beside the efficiency of the monetary indemnities to be imposed upon the infringers from the deterrence point of view, it is worth mentioning that it remains the main process leading to start earning the “Return on Investment” spent in this Anti – Counterfeit Strategy.

4.2.6.3 Raising Awareness through Public Relations activities

Implementing any plan needs efforts to persuade competent authorities about the damages incurred by the IP Right owner and its effect on the national economy. This will drive the point that the IP Right owner is focused on complying with the Lebanese Laws and is very serious in protecting the Lebanese consumers as well as its exclusivity rights through an aggressive plan of action.

Raising awareness is conducted through visits with and in the presence of the IP Right owner representative(s) whenever possible or deemed necessary. The meetings will target the heads and representatives of the following official bodies:

- Ministry of Economy & Trade
- General Directorate of Customs
- Competent Public Prosecutors
- Summary Matters Judges
- ISF Officers

To approach these authorities, it is advisable to do so through relevant entities, such as NGOs' who work in the sector or through Lebanese attorneys.

It is worth mentioning that the Brand Protection Group (BPG) Lebanon²⁵, is an association of leading local, regional and international manufacturers and distributors established in 2003, to confront the phenomenon of counterfeiting, smuggling and copying all types of products, in particular consumer products in Lebanon. Currently, the following companies are member of the BPG Lebanon:

- NESTLE
- P&G
- Japan Tobacco International (JTI)
- Henkel
- Unilever
- Louis Vuitton
- Indevco Group
- Fattal
- Holdal
- British American Tobacco (BAT)
- Diageo
- Philipp Morris
- L'Oreal
- SADER Group
- Beiersdorf
- Imperial Tobacco
- Merck Sharp & Dohme
- Nike
- Transmed
- Societe Kassab
- And others

²⁵ <https://www.brandprotectiongroup.org/>

The main objectives of the Brand Protection Group Lebanon can be summarized as follows:

- Raise public awareness on Intellectual Property and Counterfeit in Lebanon and clarify how to deal effectively with these issues.
- Protect Intellectual Property rights and preserve the rights of the consumer against fraud and illicit competition.
- Confront the phenomenon of counterfeiting, smuggling and copying all types of products, and in particular consumer products, to preserve the rights of the Lebanese Consumer and to protect the same against fraud and unlawful competition.
- Enhance the marketing services standards of consumer products to provide the Lebanese Consumer with better services and products.
- Work and cooperate with the private and public sectors, particularly with the Ministry of Economy and Trade and the Customs, to protect consumer products, the Consumer, all other products, and intellectual property rights from any tempering or copying or counterfeiting or smuggling.
- Participate in encouraging, promoting and upholding trade, production, and marketing of consumer products in Lebanon, in a way that guarantees lawful competition aiming at protecting the welfare of Lebanese Consumers and the products, particularly consumer products, and intellectual property rights from the copying, counterfeiting, smuggling and fraud and preserve Lebanon's reputation internationally.
- Organize meetings, seminars, conferences, and lectures to educate the Lebanese Consumer, private and public institutions, concerning consumer products and the protection of the Consumer from the copying, counterfeiting, smuggling and protecting the Intellectual Property rights.
- Carry out studies, preparing statics and research, and publishing the results thereof in any available manner, about various products and economic sectors, mainly commercial, industrial and agricultural, which are affected by smuggling, forgery, counterfeiting, and illicit competition whether in Lebanon or abroad.
- Exchange of studies, research, statistics and expertise with other local, regional, and international organizations and associations, in the fields of marketing services, trade, and industry with regard to products in general and consumer products in particular, and their protection and the protection of the Intellectual Property rights and any other matter related to the objectives of the Association.

Thus, it is worthwhile joining the BPG Lebanon, since it is a public relation forum, allowing the right owner or other such entity to be heard, lobby for the IP rights protection, and spread awareness to the public. Moreover, the PBG Lebanon has close links with either regional NGOs or brand protection organization, such as the BPG Gulf, Unifab in France.

4.2.6.4 Trainings

Training for IP Office inspectors, Customs and ISF personnel is recommended, as being conducted by some rights owners or groups such as the BPG. This is something that was found very useful in practice to be conducted prior to proceeding in any raids or prosecutions to familiarize the enforcement authorities' personnel on the detection guidelines. These trainings are usually done at least once per year.

4.2.7 Effective and Recommended measures with a comparison table

Measure	Advantage	Weakness
Sending Warning Letters to infringers	Low cost and quick procedure and can lead to amicable settlement of the matter in case of good faith.	Not suitable for counterfeiting matters where the infringers are totally aware that they are dealing with counterfeit products
Petition to the Judge of Summary Matters	Low cost and quick procedure to obtain Ex-Parte Seizure orders to be executed by the Court Clerk. The Court order shall determine how the infringing products will be seized.	Legal action in the merit before the competent court should be filed within 15 days as from the execution of the seizure order. In case of failure to file the legal action, the seizure will become null and void. The Judge of Summary Matters may decide to release the products at anytime if new evidence is submitted.
Petition to the IP Office	Low cost. The IP Office inspectors will make an inventory of the infringing products and will keep them under the owner's custody.	Legal action in the merit before the competent court should be filed within 15 days as from the execution of the seizure order. In case of failure to file the legal action, the seizure will become null and void.
Complaint to the Public Prosecution	Low cost to ensure seizure. The Public Prosecution will transfer the file to the ISF to conduct the investigation and seizures. Then, the Public Prosecutor will prosecute the infringers and transfer the file to the competent criminal judge for trial. The Criminal Judge shall deal with the public case and the can impose civil remedies to the right holders. No need to file a separate civil action to claim indemnities.	Long criminal procedures during the trial.
Cancellation action before the Court of First Instance	Seeking cancellation of the infringing registration and other remedies such as indemnities and publication of the Court Decision	Long and expensive procedures compared to opposition procedures adopted in other countries.

4.2.8 Flowchart of the process and timeline/lead time

It was mentioned throughout this report the different process and flowcharts for each type of action, be it Petition before the Summary Judge, Complaint before the Public Prosecution, Complaint at the IP Office.

Detailed information can be found on sections 3.1.6.5, 3.2.6.5, 3.3.6.5, 3.4.6.5, and 3.5.5.10.

Measure	Time frame
Cease & Desist Letters through Court Bailiff (including Notary Public fees and Court Bailiff fees)	Approximately 3 days
Petition before the Judge of Summary matters (including judicial fees, Beirut Bar Association (BBA) fees, Stamps duty fees, Court Clerk fees and miscellaneous expenses)	Approximately 3 days
Complaint to the IP Office	Approximately 3
Legal Action in the merit following the Petition or the complaint to the IP Office (including judicial fees, BBA fees, Stamps duty fees, notification charges and miscellaneous expenses until the issuance of the First Instance Decision). The official charges depend upon the amount of the indemnities to be claimed.	Between 9 months and 18 months for the issuance of the First Instance Decision
Criminal Complaint to the Public Prosecution and ensuing legal action before the Criminal Judge (including judicial fees, BBA fees, Stamps duty fees, notification charges and miscellaneous expenses until the issuance of the First Instance Decision).	Approximately 15 days to conduct the raid. Between 9 months and 18 months for the issuance of the First Instance Decision
Cancellation Action before the Court of First Instance ((including judicial fees, BBA fees, Stamps duty fees, notification charges and miscellaneous expenses until the issuance of the First Instance Decision).	Between 9 months and 12 months.

4.2.9 Table of Fees for each Countermeasures

The below fees are inclusive of the average fees in Lebanon. However, they are not static and they are constantly changing due to the inflation and devaluation of the Lebanese currency. The below USD and Japanese Yen fees are approximate and they are more constant than the Lebanese currency.

Measure	Average charges (LBP/YEN)	Average Fees (USD/ YEN)	Time frame
Cease & Desist Letters through Court Bailiff (including Notary Public fees and Court Bailiff fees)	LBP/4,000,000/ (13,600 ¥)	750\$/ 96,970¥	Approximately 3 days
Petition before the Judge of Summary matters (including judicial fees, Beirut Bar Association (BBA) fees, Stamps duty fees, Court Clerk fees and miscellaneous expenses)	LBP/20,000,000/ (68,000¥)	1,500\$/ 193,940¥	Approximately 3 days
Complaint to the IP Office	LBP/100,000/ (340 ¥) + 10% Municipality Tax	1,500\$/ 193,940¥	Approximately 3 days
Legal Action in the merit following the Petition or the complaint to the IP Office (including judicial fees, BBA fees, Stamps duty fees, notification charges and miscellaneous expenses until the issuance of the First Instance Decision). The official charges depend upon the amount of the indemnities to be claimed.	LBP/40,000,000/ (13,600 ¥)	6,000\$/ 775,760¥	Between 9 months and 18 months for the issuance of the First Instance Decision
Criminal Complaint to the Public Prosecution and ensuing legal action before the Criminal Judge (including judicial fees, BBA fees, Stamps duty fees, notification charges and miscellaneous expenses until the issuance of the First Instance Decision).	LBP/40,000,000/ (13,600 ¥)	8,000\$/ 1,034,340¥	Approximately 15 days to conduct the raid. Between 9 months and 18 months for the issuance of the First Instance Decision
Cancellation Action before the Court of First Instance ((including judicial fees, BBA fees, Stamps duty fees, notification charges and miscellaneous expenses until the issuance of the First Instance Decision).	LBP/50,000,000/ (170,000 ¥)	8,000\$/ 1,034,340¥	Between 9 months and 12 months.

5. Cases on Obtaining Rights and Enforcement

5.1 Notable or Important Court Cases

The judiciary has been quite active in the IP field in the past 15 years. The judges are increasingly aware about the details of IP rights and are able to take more stringent decisions against infringement. There has been therefore quite a positive development in the country, reflected in the court decisions which have been issued.

Moreover, in the last three years during the COVID-19 Pandemic, the functioning of the judiciary was affected, therefore the procedures instigated took longer than usual, and there have been delays in the issuance of judgments.

Moreover, the case decisions issued in Lebanon are the most complete and comprehensive in the region. The judges are more and more experienced in analyzing IP issues and drafting of detailed judgments.

These cases are publicized and translated in certain IP Case Decisions book, with special editions for reputable luxury companies having a dedicated book for its cases.

Moreover, there is no discrimination for the enforcement between Lebanese nationals and foreigners; the multinationals who are more exposed to counterfeit or piracy, have been able to pursue infringements and the judiciary more than capable and ready to decide in their favor.

In general, as will be detailed below in the section of Successful Cases, and based on our experience, the majority of cases have been in favor of the Right owner.

6. Successful Cases

6.1 FENDI vs. Samir Zeaiter (Criminal Court of Appeal of Mount Lebanon) (2022)

In a recent case instigated by FENDI in Lebanon following the seizure of counterfeit FENDI® products in one of the luxury stores, the Criminal Court of Appeal of Mount Lebanon issued a decision condemning the infringer for the crimes of counterfeiting, fraudulent competition and consumer fraud and imposed upon the defendant the payment of LBP/100,000,000/ (340,000 ¥) as indemnities to FENDI in addition to the payment of LBP/3,500,000/ (11,910 ¥) as fine.

This case is important as it is issued after the Lebanese economic and monetary crisis and the Judge has raised the amount of the indemnities imposed upon the infringer taking into consideration the devaluation of the Lebanese currency.

(Criminal Court of Appeal of Mount Lebanon, Decision No. 78/2022 dated 28/06/2022, FENDI vs. Samir Abdo Zeaiter- Not published).

6.2 Procter & Gamble (P&G) vs. Ahlam Dali (Criminal Judge of Aley) (2020)

This case is brought by P&G against Ahlam Dali pursuant to the seizure of counterfeit P&G products in her shop. The Judge convicted the defendant for the crimes of counterfeiting and fraudulent competition and sentenced her to imprisonment for 3 months and imposed upon her the payment of LBP/5,000,000/ (17012 ¥) as

indemnities to P&G. The Judge stated that if the Defendant pays the indemnities to the plaintiff company within 1 month as from the date the decision becomes non-revocable, she will be released from the imprisonment sentence.

Such decision tying the payment of the indemnities and the imprisonment sentence is new and should lead to more deterrence since the infringers will be deterred due to the potential imprisonment sentence.

(Criminal Judge of Aley, Decision No. 704/2020 dated 16/10/2020, P&G vs. Ahlam Dali- Not published)

6.3 Société Des Produits NESTLÉ SA vs. Alain Kheir & Co (Criminal Judge of Saida) (2019)

This case is brought by NESTLE against several defendants who were caught selling counterfeit MAGGI® products in the market. The judge condemned the infringers for the crimes of counterfeiting, trademark infringement and imposed upon the defendants the payment of fines amounting to LBP/2,500,000/ (8,510 ¥) and indemnities to the plaintiff company amounting to LBP/22,000,000/ (74,860 ¥) (equivalent to \$14,666 at the time of the judgment) in addition to a coercive fine amounting to LBP/100,000/ (340 ¥) for each day delay in executing the decision. The Judge also ordered for the publication of a summary of this decision in two local newspapers and on defendants' shop entrance for 15 days.

(Criminal Judge of Saida, Decision No. 418 issued on 09/07/2019, Societe Des Produits NESTLE SA vs. Alain Kheir & Co- Not published).

6.4 Librairie du Liban Publishers vs. Mahmoud El Masri & Co (Criminal Judge of Beirut) (2019)

In a recent case which was instituted by Librairie du Liban Publishers SAL and Levant Distributors SAL, who are Lebanese distributors for numerous copyrighted books, particularly educational type of books, against two bookstores and photocopy stores who were providing students with versions of the study material in photocopied versions. The defendants plead that they were only providing specific parts of the books and not copies of the entire book considering that it is not possible to photocopy the entire book except with the consent of its copyright owner. In addition, the photocopies were made at the request of students and professors at the University, who always photocopy books that are not available in their universities.

The Single Penal Judge found based on the facts mentioned that the Defendants had infringed the copyrights of Pearson Education Ltd and John Wiley and sons Ltd by making copies of parts of the university books belonging to these last two, which entails the crime stipulated and punishable under Article 86 of Law No. 75 of 1999, noting that Article 84 mentioned by the Public Prosecution in its claim does not include the criminalization of any act.

With regards to the plea of the Defendants that they did not photocopy the entire book, but parts of the basic books and that they only photocopied it at the request of students and professors at the University, and that this copy was not for their personal use, but to sell it to others, the Single Penal Judge found this plea as invalid since the reproduction of part of the book is commensurate to making a copy of the entire book as long as the copied parts will be used, therefore the Court deemed the exception stated in Article 23 of Law No. 75 of 1999 as not applicable to the current situation with regards to use for educational purposes.

(Criminal Judge of Beirut, Decision issued in the file No. 4130/2015 dated 30/04/2019, Librairie du Liban Publishers and Levant Distributors SAL vs. El Masri & Co- Not published)

6.5 Eli Lilly & Company vs. Ghassan El Kassar & Co (Criminal Judge of Beirut) (2019)

This case is brought by Eli Lilly & Company, a leading US pharmaceutical company, against Ghassan El Kassar and Oussama Mneimneh pursuant to the seizure of counterfeit medicine bearing the CIALIS® mark.

In this first of its kind decision, the Criminal Judge considered that selling counterfeit medicines should be considered a felony and not a misdemeanor since Article 92 of the pharmacist law sentences such crime for imprisonment for not less than 5 years.

Therefore, the Criminal Judge considered that she is not competent to deal with this case and transferred the file again to the Public Prosecution to be redirected to the competent Criminal Court.

It is worth mentioning that this decision is subject to appeal by the Public Prosecution and the Defendants. In case the Court of Appeal ratifies the Criminal Judge's Decision, it will be a new case laws to be applied to cases involving counterfeit medicines.

(Criminal Judge of Beirut, Decision in the file No. 1366/2015 dated 19/11/2019, Eli Lilly & Company vs. Ghassan El Kassar & Co- Not published).

6.6 Eli Lilly vs. El-Zein (Criminal Court of Cassation) (2018)

The Appeal Court in Mount Lebanon issued Decision No. 353/2015 which had tried the Appellant Zein pursuant to the offenses set forth in Articles 703, 704 and 714 of the Penal Code and had imposed a penalty of LBP/50,000,000/ (170,000 ¥) (equivalent to \$33,333 at the time of the judgment) upon Zein for his acts of dealing in counterfeit medicines.

Zein therefore appealed this ruling before the Beirut Court of Cassation in Decision No 160 issued on 3/4/2018.

The Court of Cassation held that the contested judgment had ruled that: "After returning to the facts of the case, the Court has established that the goods seized are fully and completely similar to the goods of the Plaintiff Company, which constitutes the offense of imitation and fraudulent use provided for in Articles 702 and 703 of the Penal Code and Articles 105 and 106 of Resolution No. 2385/1924. It is also clear that the trademark in dispute is registered and published in accordance with applicable laws. Moreover, the moral and material elements of the crime set forth in Article 714 of the Penal Code are present in the case since the Defendant has been using certain means to achieve a specific goal in order to divert the clients of the main seller and make a profit regardless of the quantity. The bad faith of the latter was clear by his acknowledgment that he bought the products subject of the current lawsuit from a mobile dealer or a transient merchant... and not from the authorized agent." Therefore, the Court of Cassation found the reasons reached by the Appeal Court to be correct and on sound legal basis.

Finally, the Court of Cassation confirmed the Court of Appeal discretionary right of determining the penalty amount and confirmed it in this instance.

(Criminal Court of Cassation, Decision No. 160 dated 03/04/2018, Eli Lilly & Company vs. El Zein- Not published)

6.7 Canon vs. Mouawad & Co (Criminal Judge of Metn) (2019)

Canon the leading Japanese company became aware of the circulation of counterfeit and infringing products in the Lebanese market bearing the CANON® Trademark. Some of the Defendants were caught selling counterfeit CANON® cartridges while others were caught selling imitated cartridges bearing CANON® Trademark without the authorization of the Right Holder.

The color and packaging of the cartridges were identical to that of the Plaintiff company product. However, two of the Defendants claimed that they have purchased the products legally, and that they were for “use on Canon”, and that shape and color in question were different, and that they should not create any confusing in the mind of the consumer, since the lower price should indicate that the product is not “CANON”.

The Court found the first two defendants selling counterfeit products to be guilty of the Crime of counterfeit based on Article 702 of the Penal code, which penalizes whoever sells or offer for sale a product bearing a counterfeit trademark and such act is intended to deceive the buyer or deviate the customers of a third party to him.

However, for the last two Defendants who were selling imitated products bearing for “Use on CANON”, the Court found that there was no “intent of deceiving the consumer” in according with the requirement of Article 703 of the Penal Code, especially that the brand offered for sale was different from that of CANON. However, their willingness to offer and sell a product on which the phrase “can be used on CANON” leads to unlawfully diverting the Plaintiff’s (CANON) clients and constitutes as unfair competition as per Article 714 Penal Code.

For the above, the Court imposed upon the defendants the payment of indemnities to CANON® amounting to LBP/12,500,000/ (42,530 ¥) (equivalent to \$8333 at the time of the judgment).

(Criminal Judge of Metn, Decision No. 264/2019 issued on 30/04/2019, CANON vs. Mouawad & Co- Not published)

6.8 Société des Eaux Minérales (SOHAT) vs. Tarek Kudsi EL Attar (SAHA) (Commercial Court of First Instance) (2015)

The Lebanese Company Société Des Eaux Minérales, owner of the registered Trademark SOHAT (“صحة”) (under class 32, which includes mineral water, soft drinks and non-carbonated beverages). The brand SOHAT is world famous and has a high degree of popularity in many countries as a mineral water.

Whereas the Defendant had proceeded to register the trademark “SAHA” (“صحة”) under classes 5 and 31, which comprise pharmaceutical and veterinary preparations, in addition to sanitary preparations for medical purposes, as well as infusions, herbs, tea and other;

Therefore, the Plaintiff SOHAT submitted a cancellation action to cancel and write-off the trademark “SAHA” based on the following grounds:

- The visual, verbal and auditory similarity between the mentioned brand and the trademark “SOHAT” (“صحة”) it owns and whose fame had surpassed the Lebanese boundaries and had created a close link in the mind of the consumer with mineral water products.
- The act of the Defendant in terms of proceeding to the registration the trademark “SAHA” (“صحة”) before the Intellectual Property Rights Protection Office at the Ministry of Economy and Trade in Lebanon despite the fact that it owns the trademark “SOHAT” (“صحة”) registered before the

Intellectual Property Rights Protection Office at the Ministry of Economy and Trade in Lebanon on 04/04/1985 and renewed on 11/03/2000 for a period of 15 years, proves that the Defendant had knowingly counterfeited such trademark with the intent of deceit and that the overall verbal, auditory and written similarity between both brands would confuse the consumer and make him think he is benefitting from the services provided by the Plaintiff Company and that said Company had extended its scope of trade, which materializes the elements of the counterfeit and imitation offense with the intent of deceit, as well as the elements of the crime of deceit of the consumer; and

- The act of the Defendant in terms of use of the trademark "SAHA" ("صحة") is considered a parasitic act through which the latter tries to take advantage of the fame gained by "SOHAT" ("صحة") trademark and the efforts the Plaintiff Company had exerted in order to make its trademark famous and distinctive;

Moreover, it claimed that there is the availability of the element of counterfeit and infringement of the trademark "SOHAT" ("صحة") with the intent of deceit pursuant to the provisions of Articles (105), (106) and (107) of Law No. 659/2005 on the Consumer Protection; and because the act of the Defendant is deemed an act of parasitic competition against the Plaintiff Company;

The Court considered three main legal aspects in the present case:

1. The extent to which the trademark of the Plaintiff Company enjoys the legal protection;
2. The extent of availability of imitation of the trademark of the Plaintiff Company by the Defendant and the extent of causing of confusion and deceit among consumers;
3. The extent of availability of parasitic competition;

With regards to the first legal aspect, the court found:

That in the light of the registration by the Plaintiff Company of the trademark "SOHAT" ("صحة") before the Intellectual Property Rights Protection Office at the Ministry of Economy and Trade in Lebanon in 1985 and renewal thereof in 2000, and in light of the popularity of the brand in the mineral water sector in Lebanon as mentioned in the admission of the Defendant himself, as well as its enjoyment of a unique autonomy that the existence of a region or a spring that carries the same name cannot deny, said trademark shall be deemed worthy of protection

With regards to the second legal aspect, the court found:

That when comparing the two trademarks - according to the provisions of Article 107 of Resolution No. 2385 of 1924, the whole similarity and not the small differences existing between the original trademark and the trademark shall be taken into account; and if there was a similarity between the two brands in the intrinsic distinctive elements, their partial and minor differences shall not be deemed significant, but the importance in the similarity between the two brands lies in the overall similarity, namely the similarity in the nature or the overall appearance of each of the two brands and not in their partial details, because the consumer usually look at the overall shape of the trademark without verifying the secondary partial details, and the simple variation does not preclude the confusion of the average consumer; Whereas, the court in its discretion found the existence of counterfeit and imitation with intent of deceit that would provoke confusion in the mind of the consumer, based on the following:

There are full similarities between the two brands in the Arabic script, since there is a match between these two brands in terms of consisting of one word which is the word "صحة", which makes the impact of the verbal and auditory identical, and this would confuse and mislead the average consumer; and

- With regard to the writing of the two brands in Latin letters "SOHAT" and "SAHA" they are similar to a large extent, and are only different in the second letter i.e. between «A» and «O», as well, the letter «T» added to the Plaintiff's trademark is silent when pronouncing it, which makes the difference simple and slight as long as the acoustic and writing impact of each of the two words are almost the same; and

- It is established that the ownership of the trademark "صحة" belongs to the Plaintiff since it is registered before the competent authority at the Ministry of Economy in Lebanon on a date prior to the registration of the defendant's trademark before the same authority, and for lack of proof that the latter was the first to use the trademark, subject-matter of the lawsuit, whether locally or internationally, or that his trademark is very famous and the plaintiff tried to illegally take advantage of it through the primacy of registration; and

The difference in classes registered shall not be taken into consideration.

With regards to the third legal aspect, the court found

The Court based its ruling on the availability of the following conditions for unlawful competition:

1. Existence of competition between the parties to the conflict;
2. The commission by the Defendant of an illegal competition;
3. The emergence of a damage that affects the interests of the Plaintiff as a result of such act

The Court ruled to cancel and strike-off the trademark "SAHA" and to the payment of a coercive fine of LBP/200,000/ (680 ¥) for each day delay in executing this decision.

It is worth mentioning that this decision was ratified by the Court of Appeal.

(Court of First Instance of Beirut, Decision No. 4 issued on 28/05/2015, Société Des Eaux Minérales vs. Tarek Kudsi El Attar- Not published).

6.9 Société Des Produits NESTLE® vs. Badra & Co (Criminal Judge of Tripoli) (2011)

The case brought by Nestlé for the imitation of its Trademark "KITKAT". The Plaintiff maintained that it owned the Trademark KITKAT® and had adopted a particular shape for this product which was duly registered at the Intellectual Property Office at the Ministry of Economy and Trade on 17/4/2008.

The Defendants were selling a product bearing the Trademark "Kalant", which were in circulation in Lebanese stores. The product in question had also a shape very similar to the one of the Plaintiff company trademarks KITKAT®, which is the rectangular shape and the oval frame, with the word "Kalant" written in Latin, having red and white color packaging, and the product being as well a chocolate wafer product.

In order to find the defendants criminally liable, the following criteria was applied by the Court:

- The existence of an imitation or a similarity between this trademark and the trademark pertaining to the product KITKAT®.
- The confirmation of the knowledge by the defendants of the existence of such imitation or similarity;

Based on the above conditions, the Court found the product "Kalant" similar to the product carrying the trademark KITKAT® pertaining to the plaintiff (First condition).

Whereas in fulfilment of the second condition, the court found the defendants to be in bad faith, given that they had knowledge of the similarity between the product KITKAT® and the product carrying the trademark "Kalant" which they were offering for sale.

The Defendants are traders, having experience in the trade of candies, they are therefore aware of the product KITKAT® and its adopted shape, as well that it is a registered at the Ministry of Economy. Moreover, the court found them to be aware that the shape of their product "Kalant" is similar to that of KITKAT®, and that combined such similarity is confusing in the mind of the ordinary consumer.

Especially that the majority of consumers are minors and generally count on the outer shape of the product. Therefore, the Court found the second condition fulfilled.

To note, the fact that the Defendants are not the producers of the product was not found as a valid argument, since the current crime extends liability to **the persons handling the sale or display of the imitated or similar trademark in view of deceiving the consumers, and not only the producer of the imitation or similarity.** Furthermore, their claim that said product carrying the brand "Kalant" is manufactured in Syria in a legal and official manner does not constitute a legal ground or cause in favour of the promotion and sale of said product within the Lebanese territories, since the registered trademark has the priority in the protection from any competition, be it counterfeiting or imitation. Moreover, the difference in the price of sale was not taken into account in the application of the provisions related to imitation, since the existence of imitation and similarity of the adopted and duly registered trademark is the only aspect that must be taken into account, regardless of the similar or lower price of the competing and imitated trademark.

(Single Criminal Judge of Tripoli, NESLE vs. Badra & Co, Decision No. 1664/2011 dated 30/06/2011- Not published).

7. Stakeholder's Voice on IP issues and interests in Lebanon

7.1 President of the BPG Lebanon – Attorney Rany SADER

The president of the Brand Protection Group (BPG) Lebanon Attorney Rany SADER considered that the continuous collaboration between the public and private sector is fundamental during this period to sustain the progress made in the past decade in relation to the protection of IP Rights and awareness against the risk of counterfeiting. He further declared that the BPG Lebanon is trying as much as possible to support the enforcement authorities through the signature of Memorandum of Understandings with these authorities to provide adequate support and trainings and to set procedures for joint collaboration and activities. On another note, he shed the light on the progress made at the judicial level in respect of IP matters since we are seeing more deterrent decisions issued in counterfeit cases. All these joint efforts led to the removal of Lebanon from the watch-list countries in 301 Report 2022.

7.2 Head of the IP Department at the Ministry of Economy & Trade - Dr. Wissam El Amil

Dr. Wissam El Amil, Head of IP Department at the Ministry of Economy & Trade, confirmed that the IP Sector is facing huge challenges during the last couple of years, especially (i) the lack of sufficient budget to restore the IP Office after Beirut Blast, and (ii) updating the software systems which are suffering from breakdowns due to the lack of maintenance and updates. Nevertheless, he emphasized that the Lebanese Parliament resumed the

review of all draft laws, which were pending for several years now and reviewing the possibility of ratifying more international IP treaties.

He also declared that despite the crisis in Lebanon, the number of registrations has increased in the last couple of years from Lebanese applicants or foreigners. This confirms more awareness of the Lebanese businesses about the importance of IP Rights and the importance of the Lebanese market for international community.

7.3 Director of Corporate Relation at DIAGEO - Mr. Ziad Karam

Ziad Karam, Corporate Relations Director for Diageo - the leading global spirits producer – said in a statement that “Lebanon’s IP ecosystem enables adequate protection for IP and brands’ rights owners. He added that IPR protection activities may in some cases be slower on the execution level particularly during resources-stressed periods (COVID) however this never hindered our plans to take the necessary action. It is, at all times, brand principal’s responsibility to understand the impact of counterfeiting on consumers, brands, reputation and whole business position and take effective and impactful remedial actions”.

8. Summary Table

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	GEOGRAPHICAL INDICATION
Definition	A Patent is the exclusive right granted for an invention , which is a product or a process that provides, in general, a new way of doing something, or offers a new technical solution to a problem (Article 2 of the Patent Law)	A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises (Article 68 of the Resolution No. 2385/24)	every production of the human spirit be it written, pictorial, sculptural, manuscript or oral, regardless of its value, importance or purpose and the mode or form of its expression (Article 2 of the Copyright Law)	The Drawings and designs which contain the two advantages of being new and invented, that is, they include external characteristics to make them of special form which differentiates them from known drawings and designs (Article 49 of the Resolution No. 2385/24)	Geographical Indications is the name of a region, a specific place or, in exceptional cases, a country used to describe a product originating in that region, specific place or country, and which possesses a specific quality, reputation or other characteristics attributable to that geographical origin and, and the production and/or processing and/or preparation of which take place in that defined geographical area. (Article 2 of the Draft Law on Geographical Indication)
Requirements	To be eligible for patent protection, an invention must be Novel, Creative and Industrially applicable .	A Trademark must be distinctive, not generic nor descriptive and does not breach the public order .	Any work can be subject to Copyright Protection.	An Industrial Design must be new and original .	a specific quality, reputation or other characteristics attributable to that geographical origin
Term of Protection	20 years non-renewable .	15 years renewable.	The term of Protection of a Copyright in Lebanon is usually 50 years following the death of the Author . However, the Term of	25 years renewable once.	Unlimited protection.

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	GEOGRAPHICAL INDICATION
			Protection may vary according to the type of work, as detailed previously in this report.		
Laws	Law No 240 of 2000 https://www.economy.gov.lb/public/uploads/files/6061_8660_6573.pdf	Resolution No 2385/LR of 1924 https://www.economy.gov.lb/public/uploads/files/7310_8240_8188.pdf	Law No 75 of 1999 https://www.economy.gov.lb/public/uploads/files/4600_3516_9524.pdf	Resolution No 2385/LR of 1924 https://www.economy.gov.lb/public/uploads/files/7310_8240_8188.pdf	Draft Law on Geographical Indications https://www.economy.gov.lb/public/uploads/files/5739_5857_4497.pdf
Application/Registration Procedures	Filing the Patent Application before the IP Office – Formal Examination – Concluding the registration and paying the registration fees – Receiving the Registration Certificate	Filing the Trademark Application through the Online Portal of the IP Office - Filing the Trademark Application in paper before the IP Office – Formal Examination – Concluding the registration and paying the registration fees – Receiving the Registration Certificate	Filing the Copyright Application before the IP Office – Formal Examination – Concluding the registration and paying the registration fees – Receiving the Registration Certificate	Filing the Industrial Design Application before the IP Office – Formal Examination – Concluding the registration and paying the registration fees – Receiving the Registration Certificate	The Application / Registration Procedure is not yet promulgated awaiting the implementing Decrees.
Who Can Apply?	The applicant may be a physical or a moral person, Lebanese or foreigner. His legal representative must be Lebanese.	The applicant may be a physical or a moral person, Lebanese or foreigner. His legal representative must be Lebanese.	The applicant may be a physical or a moral person, Lebanese or foreigner. His legal representative must be Lebanese.	The applicant may be a physical or a moral person, Lebanese or foreigner. His legal representative must be Lebanese.	<ul style="list-style-type: none"> Any association of producers or processors working with the same product, acting as representative based on two standards: if such association constitutes 50% of the production volume and includes 50% of the producers or processors number. A natural or legal person who is a sole producer of the product for which

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	GEOGRAPHICAL INDICATION
Where To Apply?	IP Office at the Ministry of Economy & Trade	Filing the application through the online portal of the IP Office: portal.economy.gov.lb and then concluding the formalities at the IP Office at the Ministry of Economy & Trade	IP Office at the Ministry of Economy & Trade	IP Office at the Ministry of Economy & Trade	registration is requested in a specific area. special Department at the IP Office at the Ministry of Economy & Trade
Examination	There are only formal examination procedures, rather than a substantive examination procedure.	There are only formal examination procedures, rather than a substantive examination procedure and trademark search in the IP Office database.	There are only formal examination procedures, rather than a substantive examination procedure.	There are only formal examination procedures, rather than a substantive examination procedure.	A special examination procedure shall be adopted by the implementing Decree of the Law on Geographical Indications once in force
Rights	The owner of a patent shall have the exclusive right to his invention, such shall include without limitation the following: a. Manufacture right of the product subject matter of the invention, displaying it, marketing it, utilizing it, offering it for sale, importing it and holding it. b. Exploiting the method, subject of the invention, and offering such to third parties. c. Offering the product, being a direct result of	Trademark owners are granted an exclusive right to exploit it and enjoy use thereof, so that it gives him the right to prevent others from making, placing or using signs identical or similar to his mark on products similar to those belonging to him. It also grants him the right to prevent third parties from importing, exporting, selling or offering to sell products with counterfeit marks or similar to the original mark with the intent to deceive. (Articles 105 and 106 of the Resolution No. 2385/24)	The copyright holder shall enjoy economic and moral rights. The copyright holder shall have the exclusive right to exploit the work commercially and, accordingly, shall have the right to authorize or prohibit the following: <ul style="list-style-type: none">any copying, printing, recording and reproduction of the work in any manner or form including photography, cinematography, sound or visual recordings of any kind or any other form;	Any inventor of a drawing or a design, or those who have rights thereto, shall alone have the right of usufruct thereto, and to sell, or offer it for sale, and to authorize its sale, provided that such drawing or design is, previously filed. (Article 48 of the Resolution No. 2385/24)	Registered geographical indications and designations of origin shall be protected against: <ul style="list-style-type: none">any use of a protected name in respect of products identical or nonidentical to the protected product.any use of a protected designation in respect of products that do not comply with the requirements of the product specification.any use leading to the exploitation of the

PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	GEOGRAPHICAL INDICATION
	<p>the method, subject of the invention, marketing it, utilizing it, offering it for sale, importing it and holding it. (Article 20 of the Patent Law)</p>	<ul style="list-style-type: none"> • any translation, adaptation, alteration, transformation, summarizing, reworking of the work or rearrangement of the music; • the sale, distribution or rental of the work; • the importation of copies of the work manufactured abroad; • the public performance of the work; • communication to the public of the work by wire or wireless means, whether through hertzian waves or the like or through coded or uncoded satellites, including the rebroadcast of normal television or radio broadcasts or satellite transmissions by any means of diffusion of sounds and images. (Article 14 and 15 of the Copyright Law) 		<p>reputation of the protected name.</p> <ul style="list-style-type: none"> • any use liable to mislead the consumer as to the true origin of the product. • Any imitation of the name, if the true origin of the product is not the place referred to by the name even if the true origin of the product is indicated, or if the protected name is translated or accompanied by an expression such as "type", "style", "method", "imitation" or similar expressions. • any imitation as to the shape, packaging, or advertising material related to the product concerned liable to convey a false impression as to its true origin. • any use of a geographical indication or designation of origin, constituting an unlawful competition according to Article 10 (a) of the Paris Convention.

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	GEOGRAPHICAL INDICATION
					(Article 20 of the Draft Law on Geographical Indications)
Cancellation	Any third Party who considers that a Patent registration is infringing upon its prior rights or is not eligible for Patent registration, can file a cancellation action against this Patent before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry. (Article 30 of the Patent Law).	Any third Party who considers that a Trademark registration is infringing upon its prior rights or is not eligible for trademark registration, can file a cancellation action against this Trademark before the competent Court of First instance seeking to cancel this registration and its strike-off from the IP Office registry. (Article 74 of the Resolution No. 2385/24)	Any third Party who considers that a Copyright registration is infringing upon its prior rights, can file a cancellation action against this Copyright before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry. (Article 76 of the Copyright Law).	Although the Resolution No, 2385/24 did not include Article related to cancellation of an Industrial Design, in practice, any third Party who considers that an Industrial Design registration is infringing upon its prior rights, can file a cancellation action against this Industrial Design before the competent Court of First instance seeking to cancel this registration and its write-off from the IP Office registry.	The registration shall be cancelled in the following cases: <ul style="list-style-type: none"> • At the request of the registered producers. • At the request of the control body referred to in Article 25 of the draft Law on Geographical Indications • Upon the request of each concerned party in the event the geographical indication or the designation of origin was not used within Lebanese territory for at least five consecutive years from the registration date. The right to request cancellation shall be forfeit if registered producers used the geographical indication or the designation of origin

	PATENT	TRADEMARK	COPYRIGHT	INDUSTRIAL DESIGN	GEOGRAPHICAL INDICATION
					<p>one month before the date of filing the cancellation application. The geographical indication or the designation of origin shall not be cancelled if registered producers prove that they had no intention not to use it or neglect it, in addition to the existence of certain circumstances that prevented them from using it, such as obstacles imposed by the government that may hamper trade. In this case, registered producers shall have the obligation to provide evidence by any means.</p>
Licensing	The Patent Owner shall have the right to License his patent by virtue of License Agreement. The License Agreement should be duly recorded at the IP Office to	The Trademark Owner has the right to license the use of his trademark by virtue of License Agreement. This license Agreement should be registered at the IP Office at	The copyright owner has the right to License his work by virtue of License Agreement. This license Agreement should be registered at the IP Office at the Ministry of Economy	The owner of a registered Industrial Design has the right to License his design by virtue of License Agreement. This license Agreement should be registered at the IP Office at	All producers complying with the product specification shall be entitled to use a Geographical Indication

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	have effect toward third parties. In case the Patent Owner does not exploit his patent, compulsory license can be given in specific circumstances.	the Ministry of Economy and Trade to take effect toward third parties.	and Trade to take effect toward third parties.	the Ministry of Economy and Trade to take effect toward third parties.	
Assignments	The Patent Owner has the right to assign his patent to any third party. The Assignment Agreement should be duly recorded at the IP Office within two months as from the assignment date. Delay fines shall be applied in case of delay in recording the assignment.	The Trademark Owner has the right to assign his trademark to any third party. The Assignment Agreement should be duly recorded at the IP Office within two months as from the assignment date. Delay fines shall be applied in case of delay in recording the assignment.	Moral rights are perpetual, inalienable, indefeasible, and elusive as well as attached to the personality of the author. Whereas Economic rights are movable properties transferable entirely or partially, free of charge or against payment. All agreements related to a Copyright and the rights thereto must be concluded in writing and recorded at the IP Office for registered works.	The Owner of the Industrial Design has the right to assign his design to any third party. The Assignment Agreement should be duly recorded at the IP Office within two months as from the assignment date. Delay fines shall be applied in case of delay in recording the assignment.	By nature, the Geographical Indications may not be assigned.
Civil Enforcement	Civil Enforcement of Patent Rights is possible before the competent civil courts to claim indemnities from any patent infringement and for requesting the cancellation of any infringing registration. Petitions before the Judge of Summary Matters can be filed to obtain injunctive relief in case of violation or eminent risk of violation.	Civil Enforcement of Trademark Rights is possible to claim indemnities from any Trademark infringement and for requesting the cancellation of any infringing registration. Petitions before the Judge of Summary Matters can be filed to obtain injunctive relief in case of violation or eminent risk of violation.	Civil Enforcement of copyrights is possible to claim indemnities from any copyright infringement and for requesting the cancellation of any infringing registration. Petitions before the Judge of Summary Matters can be filed to obtain injunctive relief in case of violation or eminent risk of violation.	Civil Enforcement of Industrial Design Rights is possible to claim indemnities from any infringement and for requesting the cancellation of any infringing registration. Petitions before the Judge of Summary Matters can be filed to obtain injunctive relief in case of violation or eminent risk of violation.	Civil Enforcement of Geographical Indication Rights is possible to claim indemnities from any infringement and for requesting the cancellation of any infringing registration. Petitions before the Judge of Summary Matters can be filed to obtain injunctive relief in case of violation or eminent risk of violation.

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Criminal Enforcement	<p>Criminal Enforcement of Patent Rights is possible by filing Criminal Complaints before the competent public prosecution or filing criminal legal action against the infringers before the Criminal Judge or the Investigative Judge.</p> <p>The Public Prosecution has the right to take any action Ex-Officio, but this right is rarely used.</p>	<p>Criminal Enforcement of Trademark Rights is possible by filing Criminal Complaints before the competent public prosecution or filing criminal legal action against the infringers before the Criminal Judge or the Investigative Judge.</p> <p>The Public Prosecution has the right to take any action Ex-Officio, but this right is rarely used.</p>	<p>Criminal Enforcement of Copyright is possible by filing Criminal Complaints before the competent public prosecution or filing criminal legal action against the infringers before the Criminal Judge or the Investigative Judge.</p> <p>The Public Prosecution has the right to take any action Ex-Officio, but this right is rarely used.</p>	<p>Criminal Enforcement of Industrial Design Rights is possible by filing Criminal Complaints before the competent public prosecution or filing criminal legal action against the infringers before the Criminal Judge or the Investigative Judge.</p> <p>The Public Prosecution has the right to take any action Ex-Officio, but this right is rarely used.</p>	<p>Criminal Enforcement of geographical Indication Rights is possible by filing Criminal Complaints before the competent public prosecution or filing criminal legal action against the infringers before the Criminal Judge or the Investigative Judge.</p>
Administrative	<p>The Patent Owner can file a complaint to the IP Office. Inspectors from the Intellectual Property Office shall organize a seizure record including the details of the infringer, the seized materials and their quantities, and any other relevant information. Pursuant to the seizure record drawn up by the Intellectual Property Office Inspectors, a legal action in the merits, should be filed before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal</p>	<p>The Trademark Owner can file a complaint to the IP Office. Inspectors from the Intellectual Property Office shall organize a seizure record including the details of the infringer, the seized materials and their quantities, and any other relevant information. Pursuant to the seizure record drawn up by the Intellectual Property Office Inspectors, a legal action in the merits, should be filed before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal</p>	<p>The Copyright Owner can file a complaint to the IP Office. Inspectors from the Intellectual Property Office shall organize a seizure record including the details of the infringer, the seized products and their quantities, and any other relevant information. Pursuant to the seizure record drawn up by the Intellectual Property Office Inspectors, a legal action in the merits, should be filed before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts. The failure to file the legal</p>	<p>The Owner of the Industrial design can file a complaint to the IP Office. Inspectors from the Intellectual Property Office shall organize a seizure record including the details of the infringer, the seized materials and their quantities, and any other relevant information. Pursuant to the seizure record drawn up by the Intellectual Property Office Inspectors, a legal action in the merits, should be filed before the competent Court (Civil or Criminal) to claim indemnities arising from the illegal acts.</p>	<p>The Implementing Decree of the Law on Geographical Indication should specify Enforcement procedures for Geographical Indications.</p>

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<p>action within the deadline will cause the annulment of the Seizure Record.</p> <p>The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials or infringing products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized. Otherwise, the products will be released. Based on the Customs Seizure Record, the right holder shall have the right to file legal action (Civil of Criminal) to claim indemnities from the infringer and ensure the</p>	<p>action within the deadline will cause the annulment of the Seizure Record.</p> <p>The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials or infringing products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized. Otherwise, the products will be released. Based on the Customs Seizure Record, the right holder shall have the right to file legal action (Civil of Criminal) to claim indemnities from the infringer and ensure the</p>	<p>action within the deadline will cause the annulment of the Seizure Record.</p> <p>The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials or infringing products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized. Otherwise, the products will be released. Based on the Customs Seizure Record, the right holder shall have the right to file legal action (Civil of Criminal) to claim indemnities from the infringer and ensure the</p>	<p>The failure to file the legal action within the deadline will cause the annulment of the Seizure Record.</p> <p>The Customs Administration has also the right to act on Ex-Officio basis to seize any infringing materials or infringing products or detain suspicious products, a copy of the seizure record is notified to the IP Office Department in order to notify the IP Right owners with a copy of the seizure record in addition to samples of the seized or detained products for analysis. The IP Right owners should submit an affidavit to the IP Office confirming whether the sample is genuine or counterfeit. In case the products are counterfeit, they will be seized. Otherwise, the products will be released. Based on the Customs Seizure Record, the right holder shall have the right to file legal action (Civil of Criminal) to claim indemnities from the infringer and ensure the</p>	

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	destruction of the seized products.	destruction of the seized products.	destruction of the seized products.	destruction of the seized products.	
Counterfeiting Measures	<p>Counterfeiting is considered a crime in Lebanon.</p> <p>Several judicial (civil or criminal) and administrative measures can be taken against counterfeiting to ensure seizure of the counterfeit products, prosecution of the infringers, destruction of the infringing products and claim indemnities from the infringers.</p> <p>The choice of the most relevant course of action will depend upon the criteria of each case.</p>	<p>Counterfeiting is considered a crime in Lebanon.</p> <p>Several judicial (civil or criminal) and administrative measures can be taken against counterfeiting to ensure seizure of the counterfeit products, prosecution of the infringers, destruction of the infringing products and claim indemnities from the infringers.</p> <p>The choice of the most relevant course of action will depend upon the criteria of each case.</p>	<p>Piracy is considered a crime in Lebanon.</p> <p>Several judicial (civil or criminal) and administrative measures can be taken against piracy to ensure seizure of the pirated works, prosecution of the infringers, destruction of the infringing products and claim indemnities from the infringers.</p> <p>The choice of the most relevant course of action will depend upon the criteria of each case.</p>	<p>Counterfeiting is considered a crime in Lebanon.</p> <p>Several judicial (civil or criminal) and administrative measures can be taken against counterfeiting to ensure seizure of the counterfeit products, prosecution of the infringers, destruction of the infringing products and claim indemnities from the infringers.</p> <p>The choice of the most relevant course of action will depend upon the criteria of each case.</p>	<p>Counterfeiting and violation of the Geographical Indication is considered a crime in Lebanon.</p> <p>The Implementing Decree of the Law on Geographical Indication should specify Enforcement procedures for Geographical Indications.</p>

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[Author]
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