

Copyright Law

ARTISTIC AND LITERARY OWNERSHIP CHAPTER I

Definitions and General Provisions

Article 137

The mere invention by the author of any literary or artistic work vests him with the absolute right of ownership thereof. Litigation for damage caused to this ownership is subject to depositing the work before suing.

Article 138

This Order protects all the manifestations of human intelligence whether written, plastic, graphic or oral. But this is not restrictive to the existence of other things, such as books, pamphlets, newspapers, periodicals and all other written things: dramatic work, musical dramas, musical compositions, with or without words, choreographical works and pantomimes; drawings, engravings and illustrations, lithography, and calligraphy, maps, sketches, plans and geographic relief; architectural models, plans and sketches; illustrated postcards and notices; painting, sculptures, photographs and cinematographies; rolls, discs and perforated cardboard used for talking machines and mechanical musical instruments; all kinds of plastic artistic works, whether of industrial nature or not, irrespective of their merits, importance, or designation of the substances from which they are made, the nationality of their author and the place of origination.

Article 139

Translations, adaptations, arrangements and other reproductions of original works are likewise protected, without prejudice to the rights of the original author.

Article 140

There shall also be protected collections of selected pieces of works, which when taken separately fall within public domain, but when collected together they form a novelty; written or mechanical reproduction of speeches, conferences, lectures, professors courses and any oral manifestation of thought; the reproduction and publishing of texts of old manuscripts kept in public or private libraries; a third person may, without being liable to prosecution, reproduce from the original any such texts or manuscripts for publication.

Article 141

Reports or news, and feuilleton novels published in newspapers or periodicals are protected, without need of express prohibition of their reproduction, adaptation or translation. All other literary, political or scientific articles, whose reproduction, adaptation, or translation, has not been prohibited, may be reproduced, adapted or translated, in which case it is necessary to mention

the origin and the name of the author; only ordinary various incidents and daily news may be reproduced or translated without indicating their origin and without obtention of a special permit.

Article 142

Protection under this Law is not applicable to all official instruments issued by public authorities, legal decisions, speeches made in public meetings, debating councils and parliaments, etc. It shall be the sole right of the same author to compile in one publication all his various speeches and pleadings, etc.

Article 143

The author of a work shall have the sole right to derive benefit thereof for the duration of his life and such right extends to 50 years thereafter, in favour of his heirs.

Article 144

Except where otherwise stipulated, when the protected work is the result of collaboration, all collaborators shall have equal rights to the collective work. The right of the heirs of deceased collaborators shall last for 50 years from the date of the decease of the last surviving collaborator. Except where otherwise stated, collaborators or their heirs shall profit by the share of a deceased collaborator who has no heirs.

CHAPTER II**Copyright - Extension of and Models****Article 145**

Subject to the stipulations of article 141 (copyright of publishing, translation, adaptation, performance, illustration, etc.), the author of a literary or artistic work shall have the exclusive right of publishing or reproducing it under any form. The author only, or his heirs, shall have the right to authorize its total or partial reproduction, translation, acting, performance to the public, transformation from a novel into a play and vice versa, its use in the cinematograph or production thereof in another thereof in another art; illustrating it, if it is a book; its reproduction by talkies or mechanical musical instruments, if it is a musical work, and vice versa. Apart from that, where any modification has been effected on the author's work, he may refuse exhibition thereof to the public.

Article 146

The cession by the author of any right must be restricted to that right only. The author who assigns the right of reproduction retains that of instituting legal proceedings for imitation, of supervising the reproduction thereof and of objecting to any modification made without his consent. He may, at any time and in order to be acknowledged as the author, institute court proceedings against any one who pretends to be such. The author or his heirs may petition the Court to order withdrawal of the cession of their rights, if it is proved that the cessionary has changed, altered or reproduced in any way detrimental to the reputation of the author, any work authorized by the author or his heirs to be published, translated, played or otherwise reproduced, etc.

Article 147

Without the obtention of an express authority from the author or his heirs, the following actions are considered as illicit: public performance of any dramatic, musico-dramatical, or musical work, the public performance of a translated dramatic work, public reading of any literary work, any adaptation, modification or scoring of a musical work; the transformation of a work to another work of the same or different kind, such as transforming a novel, news or love story into a theatrical piece and vice versa; the transforming a novel, news or love story into a theatrical piece and vice versa; the transformation of any dramatic or literary work into a cinematographic piece, etc. This enumeration is not restrictive.

Article 148

The rights of protection under this Order are accorded to any author, irrespective of his nationality or the place where the work was first published, from the date of its creation and without need of express reservation of such rights.

Article 149

Notwithstanding anything contained in articles 141 and 142, the following may be published without the authority of the author, namely: all extracts of any scientific, artistic or literary works, used in editing school books, analysis and brief quotations of an article or a critique. It is necessary that in all these cases reference must be made to the origin.

Article 150

Unless there is an agreement to the contrary and when the work is a result of collaboration, no collaborator or any of the heirs may reproduce, perform or translate the collective work without the consent of the other collaborators or their heirs. In cases of difference the courts shall decide as to the mode of exploiting the work.

Article 151

The composer and author of a lyrical booklet shall both have equal rights over such work, except where otherwise stipulated and whether the work is an opera or a song. Each one of them may independently benefit by the whole work, but in no case shall any one of them collaborate with another person in the collective work.

Article 152

No alteration, whatsoever, is allowed to any literary or musical work after the death of its author, unless the altered piece is published in full, in the same page and characters as the original form.

Article 153

There shall be protected for a period of 50 years from the date of their publication, all photographic works or works obtained by a method analogous to photography, anonymous and pseudonym works, as well as the works printed in the name of a juristic person and the works published posthumously.

Article 154

If the author of an anonymous work reveals himself before the expiry of the 50 years period, it shall be protected until his death and during fifty years thereafter.

Article 155

The editor of an anonymous work or a work appearing in the name of a juristic person shall retain the right of use pertaining to such work, as long as the author does not reveal himself, provided that such protection does not exceed the period specified in article 153.

Article 156

A work is considered as published when it is edited; but the exhibition of artistic work, the performance of a dramatic or musical work, and the erection of an architectural work do not constitute editing.

Article 157

Literary and artistic ownership shall be deemed as a movable right, assignable and transferable in conformity with the rules of civil rights, but not subject to attachment.

CHAPTER III Depositing

Article 158

The creation of the work gives rise, without any formality, to literary and artistic ownership; but the exercise of such right is subject to the depositing formalities.

The deposit renders acceptable a lawsuit instituted by the injured author, his editor or the beneficiaries thereof; the deposit may be effected either before or after the incident which gave rise to the lawsuit.

Article 159

Every person, who wishes to deposit a work of which he is the author or upon which he exercises the rights of an author, must submit, to the Director of the Protection Bureau, a written application containing the following information, in default of which the application is rendered null:

- 1 Title and nature of work.
- 2 Name, quality and address of author.
- 3 When the deposit is not made by the author himself, the above mentioned information shall have to be furnished by the depositor.
- 4 When the depositor is not the author, he must state his authority (the cession deed, contract to publish).
- 5 When necessary, the name and address of the person charged with the material reproduction of the work must be mentioned, (printer, caster, etc.).

Article 160

There must be attached, to the application for deposit, a copy or a precis of the title in pursuance of which the deposit is being made (procuration, assignment or contract deed, etc.), when the author does not apply himself. Where the matter relates to a literary or artistic work, capable of being reproduced, there must be attached to the application three specimens of the work. But as regards oil paintings, architectural sculpturings, and works of which one original only exists, the specimens referred to above shall be replaced by photographic or other reproduction, in triplicate, giving a general view of the work and details thereof. But as regards cinematographic and choreographic (pantomimes) works, the application must be accompanied by a booklet, in triplicate, containing a summary of the subject as well as the photographic pictures of the scenes, episodes and the most outstanding characters of the work. This pamphlet is independent of the musical work, which may be included in the cinematographic work, but must be deposited separately.

Article 161

The application, to which is attached the amount of the fee, as fixed hereunder for each category of the work, shall be registered in the Protection Bureau, and a certificate, containing the information cited in the application, shall be handed over or sent to the applicant, together with one of the three specimens or booklets; such certificate shall be dated, sealed and signed by the Office Director.

This first certificate shall be issued gratis; the Office shall have to collect a fee of L.L. 1.50 for every new issue thereof.

Article 162

No application, whatsoever, shall be accepted unless there is attached to it the corresponding fee, as shown hereunder:

Deposit of a non illustrated printed work and musical pieces with or without words not designed for theatrical performance ...L.L. 12.00

Deposit of a printed illustrated work (books, periodicals or non periodical art publications, catalogue de luxe, etc.) 15.00

Deposit of a literary or musical work designed for theatrical performance (comedy, drama, opera, music for ballet or pantomime, etc.)..... 18.00

Deposit of a cinematographic film, dance, choreographic dance or (pantomime), etc. 22.50

Deposit of a daily newspaper, per numbered copy .. 00.75

Deposit of a daily newspaper, per year 45.00

Deposit of a weekly, monthly or trimestrial magazine, per numbered copy 01.50

Deposit of a weekly, monthly or trimestrial magazine, per year 22.50

Deposit of an engraved photo, drawing, postcard or a photograph, etc 04.50

Deposit of the apparatus used in operating talking machines and mechanical musical instruments (gramophone discs and perforated cards, etc.) ... 07.50

Deposit of an oil painting or an architectural or sculptured work 13.50

Article 163

Unless the cession is in writing it shall be null.
If the assigned work had been previously deposited, it is the duty of the cessionary to send, within 15 full days from the date of the cession deed, a copy of such deed to the Protection Bureau; it is the duty of the heirs of the author of a work who dies to inform the Bureau of the transfer of rights to them, within a period of 15 days from the date of issue of the judgement transferring the heritage to them.

Article 164

The author of a printed or engraved work may cede part of or all his rights in that work to any printer, engraver, or any other person, irrespective of the nationality of the author or cessionary. The cessionary shall then act for the author and the beneficiaries and heirs; the cessionaries, beneficiaries and heirs enjoy the same rights.

Article 165

If, by way of succession, the right is transferred to the State, the personal right shall be extinguished without prejudice to the rights ceded by the author or his beneficiaries.

Article 166

This Order applies to all the works which, at the time of enforcement of this Order, in conformity with the laws of the country of origin, shall not have fallen within the scope of public right.

Article 167

Notwithstanding the provisions of article 142 of this Order, all works edited by or under the supervision of the State, municipalities or scientific societies, etc., shall be protected for 50 years from the date of the publication thereof. The period of fifty years, in respect of periodic writings edited in succession, shall commence from the date of editing each periodical.

Article 168

When there are no heirs, beneficiaries or any person specifically appointed for this purpose by the author, the Director of the Protection Bureau may protect the special rights recognized to the author in article 145 " in fine " and article 146 of this Order.

Unless the original text of the altered paragraph is quoted, no person is allowed to cause the least alteration to any work the author of which has died, and, whether or not, it has become public property. It is not also allowed to quote pieces of any literary or musical work without clearly and fully indicating the importance of the omitted portions.

CHAPTER V
Infringements, Penalties and Procedure

Article 169

Revoked by articles 726, 727 and 728 of the Criminal Code. *

Article 726 Criminal Code:

"Any person who:

- a) Fraudulently uses a forged name on any literary or artistic work, or
- b) Imitates the signature of or the sign used by the author with the intent to cheat the purchaser or derive therefrom unlawful benefit, shall be punished with imprisonment from three months to two years and with a fine from L.L. 50.- to L.L. 500.-, or with any one of them."

Article 727 Criminal Code:

"The same punishment shall be inflicted on any person who imitates any literary or artistic work, whether or not it has become public property."

Article 718 Criminal Code:

"Any person who does an act tending to violate the literary or artistic rights protected by laws and conventions, whether such act is:

by editing or reproducing,
translating, revising, summarizing, amplifying,

* The provisions of Order No. 2385, relating to offences and punishments, have been mostly substituted by the provisions of articles 701 - 729 of the Criminal Code; therefore, nothing therefrom shall be applied unless relating to offences and punishments not provided in the aforementioned articles of the Criminal Code.

adaptation, transformation to another art, or
acting, playing, reading or reciting to the public,

shall be punished with a fine from L.L. 25.- to L.L. 250.- and with imprisonment up to one year."

Article 170

All other infringements of this Order are punishable with a fine from L.L. 25.- to L.L. 250.- and with imprisonment from one month to one year, or with either of these penalties.

Article 171

Superseded by article 721 of the Criminal Code, which has already been quoted under article 113 hereof.

Article 172

Superseded by article 721 of the Criminal Code, quoted under article 113 above.

Article 173

The judgement passed in any of the cases punishable under this Chapter, shall, in all cases, necessitate the application of the auxiliary penalties stipulated in article 118 concerning the infringements of the rights of commercial and industrial ownership. If one of the litigants represents a daily newspaper, the judgement, whether pro or against, shall have to be published in that paper or magazine, in addition to publishing it twice as ordered in article 118 here above.

Article 174

Even where the accused is acquitted, the Court may order confiscation of the incriminating article, together with any machines or materials specially designed for the operation, reproduction or publication thereof, etc. The resultant of this process verbal may be destroyed or sold to compensate for the damages sustained by the injured party or for the benefit of the Protection Office. Where the proceedings are for the public performance or playing of any work protected under this Order, the Court may order, even in case of acquittal by a criminal court, the attachment of the income derived from such performance and the distribution thereof as laid down in the preceding paragraph.

Article 175

The Director of the Protection Bureau may undertake to establish the commission of the infringements cited in this Chapter, by adopting the same procedure as laid down in articles 121 and 128 of this Order regarding misdemeanours relating to the rights of commercial and industrial ownership; the Bureau shall, in such circumstances, collect the same fees as stipulated therein.

Article 176

The Public Prosecution may, of his own accord or upon the application of the injured party or that of the Director of the Protection Bureau, institute proceedings of the infringements subject to the punishments mentioned in article 169 of this Order; proceedings for damages caused to works which have become public property may be instituted by the Public Prosecutor either of his own accord or upon the application of the Director of the Protection Bureau; proceedings of all other infringements cited in this Chapter may be instituted in pursuance of a complaint by the injured party.

Article 177

The summons issued by the Civil Court replaces the complaint. Commencement of the proceedings renders the withdrawal of the personal right ineffective on the course of the public right.

Article 178

The competent Court is that of the defendant's domicile and if no Court lies there, then it is that within whose area the infringement was seen to have been committed. The intervals stipulated in articles 127 and 128 for the prosecution of cases for imitation and the misdemeanours relating to

the rights of commercial and industrial ownership shall be applied to the cases initiated for damages caused to the works protected under this Chapter.

Article 179

The Court passing of an judgement in application of the provisions of this Chapter must, within 15 days therefrom, notify same to the Director of the Protection Bureau. The Bureau shall register a summary of the judgement and may issue copies thereof on payment of LL. 1.50 per copy.

Article 180

The entry, transit or storage in the country of works imitated abroad is forbidden and must be confiscated wherever located.

Article 181

This order repeals all the previous legal provisions on the same subject, particularly the Ottoman Law, enacted on 11th September, 1872, concerning privileged works and whatever provisions contradictory to this Order of the Printing Presses Law, enacted on 10/1/1888.

Article 182

As amended by Articles 11, 14 and 15 of the Law of 31st January, 1946:

This Order applies to the Lebanon from the date of its publication in the Official Gazette, provided that the provisions of existing or anticipated international conventions are observed.

Article 183

(As laid down by article 16 of Order No. 84, enacted on 30/12/1926 and as amended, in respect of fees, by Order No. 170, enacted on 7/12/1937:

A fee of L.L. 2.- shall be collected for each copy or certificate obtained from the Office.*

The following officers, each within the scope of his jurisdiction, shall be charged with enforcing the provisions of this Order:

The Secretary General of the Haut Commissariat, Governors of the Alaouites and Great Lebanon States, Representatives of the High Commissioner in the Syrian Federation, the States of Damascus, Jebel Druze, Aleppo and the autonomous region of Alexandretta, Presidents of the Courts of Appeal, the Financial, Legislative and Judicial Advisers to the Haut Commissariat, the Inspector-General of Customs in Syria and Lebanon, the Director of the Protection Bureau of Commercial, Industrial, artistic and Literary Ownership, etc., of Syria and Lebanon, Police Commissioners and Control Officers.

* 50% must be added to this fee (see Order No. 177 enacted on 23rd March, 1942.



LEBANON