

Patent Law

Law No. 240

Patents

The House of Representatives adopted, and the President of the Republic sanctions the law stating as follows:

Single Article: The draft law produced by Decree No. 2856 dated 26th April, 2000 pertaining to patents as amended by Administration, Justice & National Economy and Commerce, Industry & Petroleum Committees has already been approved.

This law will be in force immediately as of the date of Publications in the Official Gazette.

Beabda - August 7th, 2000

Signature : Emile Lahoud

Issued by the President

Prime Minister : Seleem Al-Huss

Prime Minister

Signature : Saleem Al-Huss

Chapter One

Patents System

Section One

General Rules

Article 1

Any patentable invention that grants its owner and his successors the exclusive right to utilize such, comply to the provisions of Chapters One and Two of the Law hereinafter.

Article 2

The invention is liable for protection if such is Novel, Creative and Applicable.

- A patent shall be issued for each invention related to:

A new industrial product

new method that 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.

- a. Novel or discovered plant products provided that it complies with all the following conditions:

- b.
1. 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.
 2. Homogeneity of advantages
 3. Stability i.e. by the end of each production cycle it remains identical to its first definition.
 - o The invention shall be considered Novel if such is not part of the previous art.
 - o The invention shall be considered Creative if the person skilled in the art cannot invent it based on the previous art.
 - o The previous art shall include everything available to the public at any place or time whether manuscript, verbal or utilized by any other means, provided that such availability is before filing the patent application or before the priority date as stipulated per Article 4 of the Paris Union Convention of the year 1883 as amended. Consideration shall be given to Articles 89 to 94 of the decision 2385/24 as amended, which is related to inventions holding a certificate of guarantee in exhibitions and official markets, according to Article 11 of the Paris Union Convention for the year 1883 as amended.
 - o The invention is considered industrially applicable if such could be manufactured or utilized in any type of industry.
 - o "Industry" shall be broadly interpreted as defined in Article 1 of the Paris Union Convention as amended.

Article 3

A patent is not to be granted to:

1. Scientific discoveries and theories and absolute mathematical methods that are not industrially applicable.
2. Principals and means of performing purely mental activities in economic or financial fields or in playing games.
3. Methods of medical diagnosis or treatment related to humans or animals but not products or utilities for use in such methods.

Article 4

No invention is patentable if such violates the public order or morality.

Article 5

As per the stipulations of Article 10 of the Law herein mentioned, the exclusive right to exploit the invention subject matter of a patent is twenty years from the date of filling the application.

Article 6

If the inventor is an employee and a more beneficial written agreement with the employee is not available; then the owner of the patent shall be determined according to the following:

- a. The inventions resulting from an employment agreement which dictates that the employee's job includes inventive functions, researches, studies or testing on behalf of the employer; shall be owned by the employer.
- b. All other inventions shall be owned by the employee.

Yet, if the invention took place while the employee was executing his job, or such invention is within the activities of the employer due to information provided by the employer or utilizing of means or technologies related to the employer, then the employer, within one year from publishing the patent in Lebanon, shall be entitled to inform the employee by a written notice his desire to own the rights resulting from the invention or to partially or totally utilize such for a fair compensation either amicably agreed upon or through a Court of Law.

Section Two Filing a Patent Application

Article 7

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

Article 8

1.
 - a. The applicant or his associate shall file a patent application to the Head of the Intellectual Property Protection Authority, the Ministry of Economy and Trade.
 - b. If the applicant is not a Lebanese or not a resident of Lebanon, the applicant has to appoint an agent or proxy residing in Lebanon.
2. The application shall include:
 - a. A signed retainer if the applicant is represented by an associate.
 - b. A stamped envelope containing two copies of the following:
 - First: Description of the invention and abstract.
 - Second: List of claims, which demonstrates the Novelty and Creativity to be protected.
 - Third: Abstract of the invention in the Arabic Language.
 - Fourth: Figures or drawings of the invention if they are necessary to comprehend the invention.
 - Fifth: List of the attachments.
3. If the invention is related to a Micro Organism or a plant product a sample should be delivered to the central lab of the Ministry of Public Health within fifteen days from the day of application which in turn provides the applicant with a numbered and dated evidence of receipt of such sample. The Intellectual Property Protection Authority is to be notified of such action.

Article 9

- a. The application shall be presented in the Arabic Language; The requestor of the invention patent may present the description of the invention, claims and figures and drawings in the Arabic, French or English Languages.
- b. The application must include the title of the invention, the applicant's name, profession, nationality and his place of domicile and name and address of the associate (if applicable), and date of filing the first application abroad in case of filing abroad.
- c. Priority may be claimed upon filing the application or within a grace period of two months from date of filing as per the stipulations of Article 4 of the Paris Union Convention of 1883 as amended, provided that the applicant presents an attested copy of the first application together with an official letter identifying such application's date and number within three months from filing the application in Lebanon.
- d. The application may not include more than one invention or a few interrelated inventions forming one general inventive concept otherwise the invention shall be considered a complex invention.
- e. The applicant or his associate shall sign all attached papers.

Article 10

The filing of the application presented to the Intellectual Property Protection Authority shall not be accepted unless the applicant pays a fee of fifty thousand Lebanese Liras, The date of the receipt shall be considered the date of filing the application.

Article 11

The Head of the Intellectual Property Protection Authority shall prepare a record in which the hour and date of receiving the filing application together with its details and attachments and the date of payment of the filing fees are to be stated. The record shall be signed by himself. A copy of such record may be provided against an additional fee of twenty five thousand Lebanese Liras.

Article 12

- a. If the invention is among the inventions mentioned in Articles 3 and 4 of the Law herein stated the Head of the Intellectual Property Protection Authority shall inform the applicant of such findings within a period of thirty days from the date of the recording, otherwise the filing application shall be deemed accepted. The applicant may present his remarks of such findings within sixty days of being officially informed of such.
- b. The Head of the Intellectual Property Protection Authority shall present a detailed report to the Minister of Economy and Trade together with the remarks of the applicant within thirty days of being notified of the remarks of the patent applicant.
- c. The Minister of Economy and Trade shall issue a decision either to accept or reject the filing application within sixty days from the day of the detailed report is presented to him by the Head of the Intellectual Property Protection Authority. The decision of the Minister may be appealed against by the applicant before the Civil Court of Appeal of Lebanon within thirty days of notification of such decision.
- d. If the filing application is rejected based upon stipulations of Articles 3 and 4 of the present Law, all fees paid shall be deemed to be revenues of the treasury.

Article 13

- a. If the Head of the Intellectual Property Protection Authority realizes that the invention is complex, he shall inform the applicant of such findings within thirty days from the date of the record, otherwise the application shall be deemed to be accepted. The applicant shall have to file new separate applications for the subject matter inventions or for some of such inventions within a grace period of 3 months from his being notified, the Head of the Intellectual Property Protection Authority may renew such period for one time. In such a case the protection entitled to an invention or inventions shall be valid from the date of filing the original application and the paid fees are considered part of the fees due for the group of inventions.
- b. The applicant may object to the separation of the applications within sixty days from the date of notification.
- c. The Head of the Intellectual Property Protection Authority shall present a detailed report to the Minister of Economy and Trade together with the remarks of the applicant within thirty days from receiving such remarks.
- d. The Minister of Economy and Trade shall decide on the necessity of separation within thirty days from receiving the detailed report of the Head of the Intellectual Property Protection Authority, such a decision may be appealed against before Beirut Civil Court of Appeal within thirty days from notifying the applicant of such decision.
- e. If the applicant does not comply to the final decision to separate the invention patent applications within three months from being informed of such instruction, the application shall be deemed rejected and the fees paid shall be considered treasury revenues.

Article 14

- a. The applicant is entitled to request a delay of eighteen months in issuing the patent from the date of filing the application, though for the inventions to which foreign patents were requested, the previously mentioned period shall be calculated from the date of filing the first application according to Article 4 of the Paris Union Convention of 1883 as amended. The applicant may request the issuance of the patent within the said period.
- b. In such a case the annuity fees shall be charged upon issuance of the patent as per Article 8 of the Law herein.

Article 15

The Intellectual Property Protection Authority shall issue the patent within sixty days from the above-mentioned application acceptance, unless the applicant requests delay of its issuance, according to the stipulations of Article 14 of the Law herein.

Article 16

The patent is issued without guarantee as to the soundness, value, novelty, honesty or precision of description, industrial applicability or creativity of the invention.

Article 17

- a. The Head of the Intellectual Property Protection Authority issues the invention patent based upon the documents as stipulated in Article 8 of the Law herein.
- b. 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 filing application.

- c. For any requested additional copy of the patent, whether requested by the owner or a third party, a fee of fifty thousand Lebanese Liras shall be charged.
- d. The patent together with the abstract translated into the Arabic language shall be published in the official gazette on the expense of its owner/s.

Article 18

- a. In consideration of the provisions of Article 14 of the Law herein, and upon grant of the patent an annuity of one thousand Lebanese Liras shall be charged.

-On the first day of every year following the application filing, the following annuity fees shall be charged as per the stipulations of Article 10 of the Law herein:

Annuity of second year	150,000 Lebanese Liras
Annuity of third year	200,000 Lebanese Liras
Annuity of fourth year	250,000 Lebanese Liras
Annuity of fifth year	300,000 Lebanese Liras
Annuity of sixth year	350,000 Lebanese Liras
Annuity of seventh year	400,000 Lebanese Liras
Annuity of eighth year	450,000 Lebanese Liras
Annuity of ninth year	500,000 Lebanese Liras
Annuity of tenth year	550,000 Lebanese Liras
Annuity of eleventh year	600,000 Lebanese Liras
Annuity of twelfth year	650,000 Lebanese Liras
Annuity of thirteenth year	700,000 Lebanese Liras
Annuity of fourteenth year	750,000 Lebanese Liras
Annuity of fifteenth year	800,000 Lebanese Liras
Annuity of sixteenth year	850,000 Lebanese Liras
Annuity of seventeenth year	900,000 Lebanese Liras
Annuity of eighteenth year	950,000 Lebanese Liras
Annuity of nineteenth year	100,000 Lebanese Liras
Annuity of twentieth year	105,000 Lebanese Liras

- b. The fees paid after the due dates and within a grace period of 6 months shall incur an additional fine of one thousand Lebanese Liras.
- c. The patent to which the annuity fee is not paid together with the fine (if due) within the grace period as per the provisions of paragraph (b) of the Article herein shall lapse.

Article 19

- a. The owner of a patent that lapsed may request, as per the provisions of paragraph (c) of Article 18 of the Law herein, within six months from the day of lapse from the Head of the Intellectual Property Protection Authority, to retain his patent rights provided he provides evidence that his delay in payment of annuity and fine is for a substantial reason.
- b. The Head of the Intellectual Property Protection Authority within fifteen days of such date presents a detailed report including the remarks of the patent owner to the Minister of Economy and Trade.
- c. The before mentioned Minister shall decide whether to accept or reject such request within thirty days from receiving the detailed report. In case the request is rejected, the decision may be appealed against before Beirut Civil Court of Appeal within sixty days

from the day of the patent owner being served the rejection decision.

In case a decision is not issued by the said Minister within a period of thirty days, the request of the applicant to retain his rights shall be deemed to be accepted.

- d. If the request is accepted or deemed to be accepted the patent owner shall have to pay the annuity fees and fine, both in double within a period of thirty days of being served the acceptance of the request.

Chapter Three Rights Arising from Transfer And Lapse of Patents

Article 20

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 the method, subject of the invention, marketing it, utilizing it, offering it for sale, importing it and holding it.

Article 21

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

Article 22

Rights resulting from a patent application or from a patent granted, may be transferred in whole or in part, at no charge or against compensation.
Such rights may be exclusively or non-exclusively validated for investment or mortgage it may also be transferred by inheritance or by will.

Article 23

Any agreement related to an invention patent application or patent, should be in writing, otherwise it shall be void and null, such agreement shall be in effect only from that date of registration in the patents register at the Intellectual Property Protection Authority.
The registration shall take effect based on the request of one or more of the parties of such agreement within three months of signing such agreement plus the distance grace, such registration is against a fee of ninety thousand Lebanese Liras.

A fee of Fifty Thousand Lebanese Liras shall be paid for every two additional months.

Article 24

The registration as mentioned in the previous Article herein shall be cancelled upon the request based and arising from the agreement of the parties or according to a final judicial decision.

Article 25

Every person is entitled to request a list of registered patents from the Intellectual Property Protection Authority against fifty thousand Lebanese Liras.

Article 26

Any changes and amendments as to the name of the patent owner, his address or legal entity shall be registered in the patent register against a fee of fifty thousand Lebanese Liras.

Article 27

All registrations and changes or amendments shall be published in the official gazette on the expense of the beneficiary.

Article 28

- a. Patents may be impounded.
- b. The impounding decision shall be served to the patent owner, registered beneficiaries and the Intellectual Property Protection Authority, such action shall be noted in the relevant impounded patent register.

Article 29

The competent Court may decide to note any suit related to a patent in the relevant register in the Intellectual Property Protection Authority.

Article 30

- a. Any beneficiary may file a lawsuit to cancel the invention patent before the competent Court, the public prosecutor may also interfere in the case, he may also primarily file the lawsuit in the instances stipulated in Articles 3 and 4 of the present law.
- b. The law suit particulars shall be served to the right owners recorded in the patent's register.

Article 31

The patent is cancelled by a judicial ruling in the following cases.

1. If the invention is proved to be non-novel, does not include a creative activity or non-applicable industrially.
2. If the invention is related to any of the remarks noted in Articles 3 and 4 of the present Law.
3. If the invention description is not sufficient for a person skilled in the art to apply it.
4. If the subject of the invention exceeds the description stated in the application or if the patent is issued according to a separate application if the subject of which exceeds the scope of the principal application.
5. If reasons of cancellation only partially relates to the patent, cancellation in such case shall be only related to relevant claims.

Article 32

In compliance with Article 5 of the Paris Union Convention of 1883 (as amended), every person, subject to public or private laws, is entitled after three years from the date of the patent grant, to present an official request for a compulsory license to exploit the invention in Lebanon, according to the conditions hereinafter stated, if the patent owner or his successors did not exploit the patent or actually and practically prepare to exploit the invention being the subject of the patent in the Lebanese Territory.

Compulsory license may also be requested if the patent owner or his successors started the exploitation, then seized to do so for a period not less than three years for no legitimate reason.

Article 33:

The request for a compulsory license is presented by serving the patent owner before the First Instance Civil Court of Beirut and evidence that the plaintiff:

1. Has exerted efforts to acquire the patent owner's approval to exploit such, according to appropriate commercial conditions, and that such efforts were unsuccessful within a proper period of time.
In case of national emergencies or force majeure or public utilization for non commercial purposes provided that the patent owner is notified urgently.
2. Should have the needed qualifications and capacities in order to seriously and effectively exploit the invention.
 - Each request for a compulsory license shall be considered separately according to stipulations defined by the judicial decision so as the scope and period of such license be restricted to the purpose of the utilization so as to fulfill the needs of the local market in the majority of cases and so as the compensations due to the patent owner be equivalent to the economic value of the invention.
 - Compulsory licensing may not be exclusive.
 - The patent owner or the licensees may refer to the Court to amend conditions of the license or terminate such, provided that new circumstances impose such action.
 - The Court may insure the presence and validity of circumstances that justified principally granting the license such an action shall be based upon the request of a beneficiary.

Article 34

The compulsory license may not be transferred to third parties without the Court permission, otherwise it shall be void and null. The exception from the Court permission is the case where the investing enterprise transfers it or is joined, merged or split.

Article 35

If the compulsory license owner does not comply to the conditions as stipulated in the Court decision, then the patent owner or any of the other licensees may resort to the court to issue a decision to repeal such compulsory license.

Article 36

Upon the request of the Minister in charge and for purposes of protecting the public health, food safety and safeguarding the public interest in areas of vital importance in the economic, social and technological development the Cabinet of Ministers may subject the invention patents granted in Lebanon to Compulsory Administrative licensing if the products produced as a result of such patents are offered to the public in quantities or qualities that does not fulfill the market requirements or are offered at exaggerated prices.

- Once the decision is published in the public gazette, any person qualified to work the patent invention in a serious and practical manner is entitled to request a non-exclusive license to the patent in Lebanon from the Minister of Economy and Trade.
- Such license is granted by issuing a conditioned decision by the Minister of Economy and Trade, such conditions shall include its period and scope of application in Lebanon. Exceptionally the annual compensation is to be agreed upon between the patent owner and the licensee, otherwise the civil court of Appeal of Beirut shall determine such compensation the economic value of the license.
- The Compulsory Administrative License shall come into effect from the date serving such decision to the patent owner, Intellectual Property Protection Authority and the right owners of the patent whose titles are registered in the patents register at the Authority hereinbefore mentioned.

Article 37

The State, for National Security reasons may acquire a license to an invention patent based on a decision issued by the Minister of Economy and Trade upon the request of the Minister of National Defense.

Such Compulsory Administrative License is granted by a decision issued by the Minister of Economy and Trade stipulating the conditions but excluding the related compensation. If the annual compensation is not amicably agreed upon, it shall be determined by Beirut Civil Court of Appeal.

Such license shall come into effect from the date of the request of the Minister of National Defense and shall be notified to the patent owner, the Intellectual Property Protection Authority and the patent rights owners whose titles are registered in the patents register at the Authority hereinbefore mentioned.

Article 38

The State may, for National Security reasons own in part or in whole any invention patent by issuing a decree that also states a fair compensation for such proprietary and to be served to the patent owner, the Intellectual Property Protection Authority and to patent rights owners whose titles are registered in the patents register at the Authority hereinbefore mentioned.

Article 39

3. The administrative decisions hereby mentioned may be appealed before Beirut Civil Court of Appeal within thirty days of the decisions being served.
4. The stipulations mentioned do not prevent resorting to arbitration in matters where conciliation is possible.

**Chapter Two
Section One
Violations and Penalties**

Article 40:

Infringements of the basically published patent owner's right is a crime of counterfeit
- Offering, marketing, utilizing or holding the counterfeit product with the intention of usage or marketing shall not constitute a crime on the part of the person doing such an act while not being the manufacturer of the counterfeit product unless such act is done while being aware that such product is a counterfeit.

Article 41:

- The owner of the patent may file a counterfeit case against counterfeiting parties.
- Yet a person beneficiary of an exclusive right to exploit a patent or beneficiary of a compulsory license may take precautionary measures and file a counterfeit case if such person has served the patent owner of such infringement and the patent owner did not file the case.
- Every licensee of the patent may intervene in the owners side in the counterfeit case to receive indemnification for the damage incurred.

Article 42:

- A person infringing the rights of a basically published patent while being aware of such action, shall be penalized by a fine ranging from five to fifty million Lebanese Liras and imprisonment from three months up to three years or by either of the penalties hereinbefore mentioned.
- Exploiting the invention on non-commercial, non-industrial personal aims or for scientific research reasons shall not be considered counterfeit according to the provisions of the Article herein.

Article 43:

Persons instigating, sharing or participating in the counterfeit crime shall be penalized according to the stipulations of Article 42 herein.

Article 44:

The penalties herein mentioned shall be doubled in case of repetition or in case where the offender has a contractual relationship with the patent owner.

Article 45:

Courts shall determine the counterfeit action depending on the basic factors without the partial discrepancies.

Article 46:

Any person who infringed the rights of a patent owner shall indemnify the injured part for the damages which include material and moral damages, the missed gains and the profits incurred by the infringer. The Court may rule to impound materials subject of the case and equipment used in the infringement.

Article 47:

Any person by virtue of his position, post, profession or art has possession of secret industrial or commercial information and illegally discloses such or utilize such for a personal benefit or the benefit of a third party shall be penalized according to the provisions of Article 42 of the Law herein.

- To apply such Article:

a- The owner of such information has acquired the subject matter through legal means.

b- The industrial or commercial value of such information is due to being a secret.

c- The owner of such information has taken appropriate measures to keep such information a secret.

- Methods of manufacture and experimental and testing results are considered secret information.

- Secret information that the Authority specifies to be released in order to license use of pharmaceutical preparations and chemical products utilized in agriculture shall not be illegally used for commercial purposes. Such information shall not be released unless the protection and welfare of the public so dictates.

**Section Two
Secondary Penalties**

Article 48:

It shall be ruled to impound and destroy materials and equipment leading to damage or utilized to infringe rights of the patent owner even in case of acquittal.

Article 49:

Any ruling of a crime stipulated in the Law shall include:

- Posting the verdict in places specified by the Court and publishing such in two local newspapers on the expense of the forfeiting party.

- Discount the eligibility of the forfeiting party for voting or being elected in the boards of chambers of trade, associations, syndicates, co-operations and labor arbitration councils for a period that does not exceed five years.

**Section Three
Precautionary Measures**

Article 50:

a- In cases where imminent infringement on any of the patent owner's rights is apprehended, the patent owner may request precautionary measures to prevent such imminent infringement.

b- The Head of the First Instance Court and the public prosecutor may take the precautionary measures aforementioned in paragraph (a).

c- Such decisions shall be served to the Authorities to include the customs, in order to act accordingly.

d- Judge of Summary Jurisdiction may decide on matters permitted by law such as petitions in protection of the rights where infringement is apprehended, the Judge may impose compulsory fines in execution to his decisions.

e- The party requesting such measures shall file a case within a period of fifteen days from the day of the decision issuance otherwise the case shall be dropped.

Article 51:

The summary Jurisdiction Judge, the Head of the First Instance Court and the Public Prosecutor may, for or without a bond, order for the description and inventory of all that forms the infringement of the rights of the patent owner or evidence thereof wherever it is, samples of such may be taken and the impound shall be safeguarded at the possessor for or without a bond, the possessor may be appointed an official receiver. For such purpose an expert in such matters may also be appointed.

Article 52:

a) Sworn elements of the interior security, customs and employees of the Intellectual Property Protection Authority are entitled to describe and inventory whatever constitutes an infringement to the rights of the patent owner, and may hold samples of such. Such employees are appointed for such task according to a decision or mandate issued by the Summary Jurisdiction Judge, the Head of the First Instance Court, the Public Prosecutor or the Head of the Intellectual Property Protection Authority according to their competence.

- Sworn employees of the aforementioned Authority are designated Law officers in application of the Law herein.

b) Employees hereinbefore mentioned may not inform the holder of the Articles and industrial methods, accused of being counterfeited, of their instructions before executing the writing of the minutes unless otherwise requested by the holder of the articles.

c) The employees upon writing the minutes of their process shall identify their official capacities and forward the copy of their instructions received from the relevant Authority.

d) Upon completion of the minutes the employees shall hand over a copy of the decision or mandate, the minutes and inventory to the holder of the articles and industrial methods accused of being counterfeited.

Article 53:

a) Minutes shall be written indicating the samples that were taken and the description and inventory of the articles and industrial methods accused of being counterfeited; in the minutes the following should be mentioned:

1. Name and capacity of the minutes executor.
2. The Authority that issued the decision or the mandate and the date thereof.
3. Date, place and time where the decision or mandate shall be executed.
4. Identity, address and profession of the holder of the articles or method.
5. Detailed list of the industrial methods and articles accused of being counterfeited to include its numbers, types characteristics.
6. Purport and signature of the holder mentioned in the minutes and list of inventory, if it is separate, if the holder objects to his signing, such shall be stated.
7. Signature of the minutes executor.

b) The holder of the articles and methods accused of being counterfeited may state in the minutes all the information and reservations that he deems to be of benefit.

Article 54:

The Civil or Criminal Law Suit shall be initiated before the competent court against the holder of the articles or industrial methods within a period of fifteen days from the date of the minutes otherwise the minutes shall be considered null and void and the bond may be confiscated if paid.

Article 55:

The Court, upon the request of the plaintiff, and before the case is decided, may for or without a bond detain all or some of the articles, equipment and tools stated in the minutes and the inventory.

The decision shall name the employee tasked for the impound and the place where the impounded articles, equipment and tools shall be placed and the designated law officers responsible for such, together with the value of the bond if levied.

Article 56:

The person impounded shall receive copies of the following:

- a) Impoundment decision.
- b) The bond determined.
- c) The minutes of the impound.
- d) The inventory list of the impounded articles, equipment and tools.

Article 57:

The Intellectual Property Protection Authority shall collect from the applicant against the disclosure of the list or impounding, a total fee of 200 thousand Lebanese Liras for each transaction.

Article 58:

Each Jurisdiction decision taken according to the provisions of the Law herein shall be served by the issuing court to the Intellectual Property Protection Authority within a period of 15 days from the issuance thereof.

**Section Four
Transitional Provisions**

Article 59:

The patents granted before the issuance of Article 5 of the Law herein will benefit therefrom, provided these patents are effective as of the date of implementing such, provided that the previous protection period shall be deducted from the protection period provided in such Law.

Article 60:

Articles 1 to 46 and 99 to 104 of the decision No. 23 85 of 17/1/1924 (as amended) shall be implicitly revoked. Articles 707, 708 and 709 of the Penal Law shall be revoked.

Article 61:

Article 51 of the decision No. 2385 of 17/1/1924 (as amended) shall be modified so that the phrase "pursuant to the provisions of the first and the second chapters of the Patent Law in lieu of the phrase "pursuant to the provisions of Article 1 to Article 48 of such decision".

**Chapter 3
Semi - Conductors**

Section one Patenting Semi - Conductors

Article 62:

Unless being prevalent, the final or intermediate topography of a semi conductor, which imply intellectual activity of the creator, may be subject of patenting, thereby granting the protection provided in this chapter.

- Such patenting may not be done after expiry of two years from the first commercial investment of the tography in any place in the world, or after expiry of 15 years of registering or encoding thereof, for the first time in case of non-exploiting.
- Any patent filing shall be void and null if the provisions provided in this article are not fulfilled.

Article 63:

- The right to patent shall be inured to the creator or his successors.
- If the patentee is not a Lebanese or not resident in Lebanon, the patentee shall appoint an agent resident in Lebanon.

Article 64:

The patenting shall not include more than one topography, and shall comprise:

- a) Filing an application including sufficient information for indicating the applicant, the topography and the date and place of exploiting thereof, or otherwise the date of registering or encoding thereof for the first time.
- b) Figure representing the topography enclosed in an envelope. The patentee may cover the sections he does not intend to disclose to others.
The figure may be associated with an enclosure of the information and patterns for the product which include the topography.
- c) Power of Attorney with special signature if the applicant is represented by an agent (associate).
- d) Evidence of the payment of the depositing fees amounting to 120,000 Lebanese Liras.

Article 65:

The Head of the Intellectual Property Protection Authority shall register the application after assertion of the fulfillment of the provisions provided in the previous Article and shall issue a certificate thereby, to be published in the official gazette on the depositor's own expenses.

Article 66:

Any person is entitled to examine the application file at the Intellectual Property Protection Authority. However, a copy of the file may not be obtained except under the depositor's permission or by a Jurisdiction decision.

Article 67:

The application filing shall not affect others, if the specifications indicated in the application and supplemented with the figures and disclosed to the public, do not determinate the topography required to be protected.

Chapter 2 The Rights Arising from the Filing

And the Transfer and Invalidation Thereof

Article 68:

The applicant of the semi conductor has the right to prevent the others from:

- a) Copying the protected topography.
- b) Exploiting or importing such copy or any semi-conductor including thereof for commercial purposes.

Such prevention shall not include:

- Copies for the purposes of evaluation, analysis or education.
- Creating a different topography liable for the protection provided in this chapter, pursuant to such analysis or evaluation.

Such prevention shall not affect the possessor of the sub conductor in a bona fide. Further, the possessor shall pay reasonable compensation if he intends to commercially continue its exploitation.

Article 69:

The prevention provided in the article hereinbefore shall be effective as of the date of filing or the date of first commercial exploit if preceding the filing. Such prevention shall remain to the benefit of the applicant for ten years as of the date of filing the application.

Article 70:

The filing shall be invalid, if the topography subject of the filing was not exploited within the period of 15 years as of the date of registering or encoding thereof for the first time.

Article 71:

Articles 22 to 28 of the Law herein shall be implicitly applied to the rights resulted from filing a semi-conductor. The relevant agreements and appeals thereon shall be registered in the register of the semi-conductors of the Intellectual Property Protection Authority at the Ministry of Economy and Trade.

Article 72:

This Law shall come into force upon the publication thereof in the official gazette.

Lebanese Patent Law No. 240 issued in the Official Gazette No. 35 of August 14, 2000

Issued by: The President of the Republic of Lebanon, The Prime Minister of the Republic of Lebanon

Signed By : Saleem Al-Huss

Prime Minister Signature : Saleem Al-Huss

Law No. 240

Patents

The House of Representatives adopted, and the President of the Republic sanctions the law

stating as follows :

Single Article: The draft law produced by Decree No. 2856 dated April 26, 2000 pertaining to patents as amended by the Administration, Justice & National Economy and Commerce, Industry & Petroleum Committees has already been approved.

This law will be in force immediately as of the date of publication in the Official Gazette

Beaba- August 7, 2000

Signature :Emile Lahoud

Issued by the President Prime Minister : Saleem Al-Huss

Prime Minister Signature : Saleem Al-Huss

Chapter One Patents System

Section One General Rules

Article 1:

Any patentable invention that grants its owner and his successors the exclusive right to utilize such, comply to the provisions of Chapters One and Two of the Law hereinafter.

Article 2:

The invention is liable for protection if such is Novel, Creative and Applicable.

- A patent shall be issued for each invention related to:

- a) A new industrial product
- b) new method that leads to the production of a new industrial product or a known industrial result.
- a) Every Novel application of a known industrial method or means.
- b) A new group of known methods or means.
- c) Micro Organisms.
- d) Novel or discovered plant products provided that it complies with all the following conditions:

- (1) 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.
- (2) Homogeneity of advantages
- (3) Stability i.e. by the end of each production cycle it remains identical to its first definition.

- The invention shall be considered Novel if such is not part of the previous art.
- The invention shall be considered Creative if the person skilled in the art cannot invent it based on the previous art.
- The previous art shall include everything available to the public at any place or time whether manuscript, verbal or utilized by any other means, provided that such availability is before filing the patent application or before the priority date as stipulated per Article 4 of the Paris Union Convention of the year 1883 as amended. Consideration shall be given to Articles 89 to 94 of the decision 2385/24 as amended, which is related to inventions holding a certificate of guarantee in exhibitions and official markets, according to Article 11 of the Paris Union Convention for the year 1883 as amended.

- The invention is considered industrially applicable if such could be manufactured or utilized in any type of industry.

- "Industry" shall be broadly interpreted as defined in Article 1 of the Paris Union Convention as amended.

Article 3:

A patent is not to be granted to:

- 1) Scientific discoveries and theories and absolute mathematical methods that are not industrially applicable.
- 2) Principals and means of performing purely mental activities in economic or financial fields or in playing games.
- 3) Methods of medical diagnosis or treatment related to humans or animals but not products or utilities for use in such methods.

Article 4:

No invention is patentable if such violates the public order or morality.

Article 5:

As per the stipulations of Article 10 of the Law herein mentioned, the exclusive right to exploit the invention subject matter of a patent is twenty years from the date of filling the application.

Article 6:

If the inventor is an employee and a more beneficial written agreement with the employee is not available; then the owner of the patent shall be determined according to the following: -

- a) The inventions resulting from an employment agreement which dictates that the employee's job includes inventive functions, researches, studies or testing on behalf of the employer; shall be owned by the employer.
- b) All other inventions shall be owned by the employee.

Yet, if the invention took place while the employee was executing his job, or such invention is within the activities of the employer due to information provided by the employer or utilizing of means or technologies related to the employer, then the employer, within one year from publishing the patent in Lebanon, shall be entitled to inform the employee by a written notice his desire to own the rights resulting from the invention or to partially or totally utilize such for a fair compensation either amicably agreed upon or through a Court of Law.

Section Two

Filing a Patent Application

Article 7:

- a) Every person is eligible for filing a patent application.

- b) If more than one-person share in the same invention, they shall share the right for the patent, once issued, on equal basis unless otherwise agreed in writing.
- c) If several persons individually make the same invention, the right to the patent shall be entitled to the first applicant.

Article 8:

- 1-a) The applicant or his associate shall file a patent application to the Head of the Intellectual Property Protection Authority, the Ministry of Economy and Trade.
 - b) If the applicant is not a Lebanese or not a resident of Lebanon, the applicant has to appoint an agent or proxy residing in Lebanon.
- 2- The application shall include:
- a) A signed retainer if the applicant is represented by an associate.
 - b) A stamped envelope containing two copies of the following :

First: Description of the invention and abstract.

Second: List of claims, which demonstrates the Novelty and Creativity to be protected.

Third: Abstract of the invention in the Arabic Language.

Fourth: Figures or drawings of the invention if they are necessary to comprehend the invention.

Fifth: List of the attachments.

3-If the invention is related to a Micro Organism or a plant product a sample should be delivered to the central lab of the Ministry of Public Health within fifteen days from the day of application which in turn provides the applicant with a numbered and dated evidence of receipt of such sample. The Intellectual Property Protection Authority is to be notified of such action.

Article 9:

- 1) The application shall be presented in the Arabic Language; The requestor of the invention patent may present the description of the invention, claims and figures and drawings in the Arabic, French or English Languages.
- 2) The application must include the title of the invention, the applicant's name, profession, nationality and his place of domicile and name and address of the associate (if applicable), and date of filing the first application abroad in case of filing abroad.
- 3) Priority may be claimed upon filing the application or within a grace period of two months from date of filing as per the stipulations of Article 4 of the Paris Union Convention of 1883 as amended, provided that the applicant presents an attested copy of the first application together with an official letter identifying such application's date and number within three months from filing the application in Lebanon.
- 4) The application may not include more than one invention or a few interrelated inventions forming one general inventive concept otherwise the invention shall be considered a complex invention.
- 5) The applicant or his associate shall sign all attached papers.

Article 10:

The filing of the application presented to the Intellectual Property Protection Authority shall not be accepted unless the applicant pays a fee of fifty thousand Lebanese Liras, The date of the receipt shall be considered the date of filing the application.

Article 11:

The Head of the Intellectual Property Protection Authority shall prepare a record in which the hour and date of receiving the filing application together with its details and attachments and the date of payment of the filing fees are to be stated. The record shall be signed by himself. A copy of such record may be provided against an additional fee of twenty five thousand Lebanese Liras.

Article 12:

- a) If the invention is among the inventions mentioned in Articles 3 and 4 of the Law herein stated the Head of the Intellectual Property Protection Authority shall inform the applicant of such findings within a period of thirty days from the date of the recording, otherwise the filing application shall be deemed accepted. The applicant may present his remarks of such findings within sixty days of being officially informed of such.
- b) The Head of the Intellectual Property Protection Authority shall present a detailed report to the Minister of Economy and Trade together with the remarks of the applicant within thirty days of being notified of the remarks of the patent applicant.
- c) The Minister of Economy and Trade shall issue a decision either to accept or reject the filing application within sixty days from the day of the detailed report is presented to him by the Head of the Intellectual Property Protection Authority. The decision of the Minister may be appealed against by the applicant before the Civil Court of Appeal of Lebanon within thirty days of notification of such decision.
- d) If the filing application is rejected based upon stipulations of Articles 3 and 4 of the present Law, all fees paid shall be deemed to be revenues of the treasury.

Article 13

- a) If the Head of the Intellectual Property Protection Authority realizes that the invention is complex, he shall inform the applicant of such findings within thirty days from the date of the record, otherwise the application shall be deemed to be accepted. The applicant shall have to file new separate applications for the subject matter inventions or for some of such inventions within a grace period of 3 months from his being notified, the Head of the Intellectual Property Protection Authority may renew such period for one time. In such a case the protection entitled to an invention or inventions shall be valid from the date of filing the original application and the paid fees are considered part of the fees due for the group of inventions.
- b) The applicant may object to the separation of the applications within sixty days from the date of notification.
- c) The Head of the Intellectual Property Protection Authority shall present a detailed report to the Minister of Economy and Trade together with the remarks of the applicant within thirty days from receiving such remarks.
- d) The Minister of Economy and Trade shall decide on the necessity of separation within thirty days from receiving the detailed report of the Head of the Intellectual Property Protection Authority, such a decision may be appealed against before Beirut Civil Court of Appeal within thirty days from notifying the applicant of such decision.
- e) If the applicant does not comply to the final decision to separate the invention patent applications within three months from being informed of such instruction, the application shall be deemed rejected and the fees paid shall be considered treasury revenues.

Article 14:

- a) The applicant is entitled to request a delay of eighteen months in issuing the patent from the date of filing the application, though for the inventions to which foreign patents were requested, the previously mentioned period shall be calculated from the date of filing the first application according to Article 4 of the Paris Union Convention of 1883 as amended. The applicant may request the issuance of the patent within the said period.
- b) In such a case the annuity fees shall be charged upon issuance of the patent as per Article 8 of the Law herein.

Article 15:

The Intellectual Property Protection Authority shall issue the patent within sixty days from the above-mentioned application acceptance, unless the applicant requests delay of its issuance, according to the stipulations of Article 14 of the Law herein.

Article 16:

The patent is issued without guarantee as to the soundness, value, novelty, honesty or precision of description, industrial applicability or creativity of the invention.

Article 17:

- a) The Head of the Intellectual Property Protection Authority issues the invention patent based upon the documents as stipulated in Article 8 of the Law herein.
- b) 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 filing application.
- c) For any requested additional copy of the patent, whether requested by the owner or a third party, a fee of fifty thousand Lebanese Liras shall be charged.
- 4) The patent together with the abstract translated into the Arabic language shall be published in the official gazette on the expense of its owner/s.

Article 18:

- a) In consideration of the provisions of Article 14 of the Law herein, and upon grant of the patent an annuity of one thousand Lebanese Liras shall be charged.
- On the first day of every year following the application filing, the following annuity fees shall be charged as per the stipulations of Article 10 of the Law herein:
- Annuity of second year 150,000 Lebanese Liras
 - Annuity of third year 200,000 Lebanese Liras
 - Annuity of fourth year 250,000 Lebanese Liras
 - Annuity of fifth year 300,000 Lebanese Liras
 - Annuity of sixth year 350,000 Lebanese Liras
 - Annuity of seventh year 400,000 Lebanese Liras
 - Annuity of eighth year 450,000 Lebanese Liras
 - Annuity of ninth year 500,000 Lebanese Liras
 - Annuity of tenth year 550,000 Lebanese Liras
 - Annuity of eleventh year 600,000 Lebanese Liras
 - Annuity of twelfth year 650,000 Lebanese Liras
 - Annuity of thirteenth year 700,000 Lebanese Liras

Annuity of fourteenth year 750,000 Lebanese Liras
Annuity of fifteenth year 800,000 Lebanese Liras
Annuity of sixteenth year 850,000 Lebanese Liras
Annuity of seventeenth year 900,000 Lebanese Liras
Annuity of eighteenth year 950,000 Lebanese Liras
Annuity of nineteenth year 100,000 Lebanese Liras
Annuity of twentieth year 105,000 Lebanese Liras

- b) The fees paid after the due dates and within a grace period of 6 months shall incur an additional fine of one thousand Lebanese Liras.
- c) The patent to which the annuity fee is not paid together with the fine (if due) within the grace period as per the provisions of paragraph (b) of the Article herein shall lapse.

Article 19:

- a) The owner of a patent that lapsed may request, as per the provisions of paragraph (c) of Article 18 of the Law herein, within six months from the day of lapse from the Head of the Intellectual Property Protection Authority, to retain his patent rights provided he provides evidence that his delay in payment of annuity and fine is for a substantial reason.
- b) The Head of the Intellectual Property Protection Authority within fifteen days of such date presents a detailed report including the remarks of the patent owner to the Minister of Economy and Trade.
- c) The before mentioned Minister shall decide whether to accept or reject such request within thirty days from receiving the detailed report. In case the request is rejected, the decision may be appealed against before Beirut Civil Court of Appeal within sixty days from the day of the patent owner being served the rejection decision.
-In case a decision is not issued by the said Minister within a period of thirty days, the request of the applicant to retain his rights shall be deemed to be accepted.
- d) If the request is accepted or deemed to be accepted the patent owner shall have to pay the annuity fees and fine, both in double within a period of thirty days of being served the acceptance of the request.

Chapter Three Rights Arising from Transfer And Lapse of Patents

Article 20:

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 the method, subject of the invention, marketing it, utilizing it, offering it for sale, importing it and holding it.

Article 21:

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

Article 22:

Rights resulting from a patent application or from a patent granted, may be transferred in whole or in part, at no charge or against compensation.

Such rights may be exclusively or non-exclusively validated for investment or mortgage it may also be transferred by inheritance or by will.

Article 23:

Any agreement related to an invention patent application or patent, should be in writing, otherwise it shall be void and null, such agreement shall be in effect only from that date of registration in the patents register at the Intellectual Property Protection Authority.

The registration shall take effect based on the request of one or more of the parties of such agreement within three months of signing such agreement plus the distance grace, such registration is against a fee of ninety thousand Lebanese Liras.

A fee of Fifty Thousand Lebanese Liras shall be paid for every two additional months.

Article 24:

The registration as mentioned in the previous Article herein shall be cancelled upon the request based and arising from the agreement of the parties or according to a final judicial decision.

Article 25:

Every person is entitled to request a list of registered patents from the Intellectual Property Protection Authority against fifty thousand Lebanese Liras.

Article 26:

Any changes and amendments as to the name of the patent owner, his address or legal entity shall be registered in the patent register against a fee of fifty thousand Lebanese Liras.

Article 27:

All registrations and changes or amendments shall be published in the official gazette on the expense of the beneficiary.

Article 28:

a) Patents may be impounded.

b) The impounding decision shall be served to the patent owner, registered beneficiaries and the Intellectual Property Protection Authority, such action shall be noted in the relevant impounded patent register.

Article 29:

The competent Court may decide to note any suit related to a patent in the relevant register in the Intellectual Property Protection Authority.

Article 30:

a) Any beneficiary may file a lawsuit to cancel the invention patent before the competent Court, the public prosecutor may also interfere in the case, he may also primarily file the lawsuit in the instances stipulated in Articles 3 and 4 of the present law.

b) The law suit particulars shall be served to the right owners recorded in the patent's register.

Article 31:

The patent is cancelled by a judicial ruling in the following cases.

1- If the invention is proved to be non-novel, does not include a creative activity or non-applicable industrially.

2- if the invention is related to any of the remarks noted in Articles 3 and 4 of the present Law.

3- If the invention description is not sufficient for a person skilled in the art to apply it.

4- If the subject of the invention exceeds the description stated in the application or if the patent is issued according to a separate application if the subject of which exceeds the scope of the principal application.

-If reasons of cancellation only partially relates to the patent, cancellation in such case shall be only related to relevant claims.

Article 32:

In compliance with Article 5 of the Paris Union Convention of 1883 (as amended), every person, subject to public or private laws, is entitled after three years from the date of the patent grant, to present an official request for a compulsory license to exploit the invention in Lebanon, according to the conditions hereinafter stated, if the patent owner or his successors did not exploit the patent or actually and practically prepare to exploit the invention being the subject of the patent in the Lebanese Territory.

Compulsory license may also be requested if the patent owner or his successors started the exploitation, then seized to do so for a period not less than three years for no legitimate reason.

Article 33:

The request for a compulsory license is presented by serving the patent owner before the First Instance Civil Court of Beirut and evidence that the plaintiff:

1- Has exerted efforts to acquire the patent owner's approval to exploit such, according to appropriate commercial conditions, and that such efforts were unsuccessful within a proper period of time.

In case of national emergencies or force majeure or public utilization for non commercial purposes provided that the patent owner is notified urgently.

2- Should have the needed qualifications and capacities in order to seriously and effectively exploit the invention.

- Each request for a compulsory license shall be considered separately according to stipulations defined by the judicial decision so as the scope and period of such license be restricted to the purpose of the utilization so as to fulfill the needs of the local market in the majority of cases and

so as the compensations due to the patent owner be equivalent to the economic value of the invention.

- Compulsory licensing may not be exclusive.

- The patent owner or the licensees may refer to the Court to amend conditions of the license or terminate such, provided that new circumstances impose such action.

- The Court may insure the presence and validity of circumstances that justified principally granting the license such an action shall be based upon the request of a beneficiary.

Article 34:

The compulsory license may not be transferred to third parties without the Court permission, otherwise it shall be void and null. The exception from the Court permission is the case where the investing enterprise transfers it or is joined, merged or split.

Article 35:

If the compulsory license owner does not comply to the conditions as stipulated in the Court decision, then the patent owner or any of the other licensees may resort to the court to issue a decision to repeal such compulsory license.

Article 36:

Upon the request of the Minister in charge and for purposes of protecting the public health, food safety and safeguarding the public interest in areas of vital importance in the economic, social and technological development the Cabinet of Ministers may subject the invention patents granted in Lebanon to Compulsory Administrative licensing if the products produced as a result of such patents are offered to the public in quantities or qualities that does not fulfill the market requirements or are offered at exaggerated prices.

- Once the decision is published in the public gazette, any person qualified to work the patent invention in a serious and practical manner is entitled to request a non-exclusive license to the patent in Lebanon from the Minister of Economy and Trade.

- Such license is granted by issuing a conditioned decision by the Minister of Economy and Trade, such conditions shall include its period and scope of application in Lebanon. Exceptionally the annual compensation is to be agreed upon between the patent owner and the licensee, otherwise the civil court of Appeal of Beirut shall determine such compensation the economic value of the license.

- The Compulsory Administrative License shall come into effect from the date serving such decision to the patent owner, Intellectual Property Protection Authority and the right owners of the patent whose titles are registered in the patents register at the Authority herein before mentioned.

Article 37:

The State, for National Security reasons may acquire a license to an invention patent based on a decision issued by the Minister of Economy and Trade upon the request of the Minister of National Defense.

Such Compulsory Administrative License is granted by a decision issued by the Minister of Economy and Trade stipulating the conditions but excluding the related compensation.

If the annual compensation is not amicably agreed upon, it shall be determined by Beirut Civil Court of Appeal.

Such license shall come into effect from the date of the request of the Minister of National Defense and shall be notified to the patent owner, the Intellectual Property Protection Authority and the patent rights owners whose titles are registered in the patents register at the Authority herein before mentioned.

Article 38

The State may, for National Security reasons own in part or in whole any invention patent by issuing a decree that also states a fair compensation for such proprietary and to be served to the patent owner, the Intellectual Property Protection Authority and to patent rights owners whose titles are registered in the patents register at the Authority herewithin mentioned.

Article 39:

- 3) The administrative decisions hereby mentioned may be appealed before Beirut Civil Court of Appeal within thirty days of the decisions being served.
- 4) The stipulations mentioned do not prevent resorting to arbitration in matters where conciliation is possible.

**Chapter Two
Section One
Violations and Penalties**

Article 40:

Infringements of the basically published patent owner's right is a crime of counterfeit
- Offering, marketing, utilizing or holding the counterfeit product with the intention of usage or marketing shall not constitute a crime on the part of the person doing such an act while not being the manufacturer of the counterfeit product unless such act is done while being aware that such product is a counterfeit.

Article 41:

- The owner of the patent may file a counterfeit case against counterfeiting parties.
- Yet a person beneficiary of an exclusive right to exploit a patent or beneficiary of a compulsory license may take precautionary measures and file a counterfeit case if such person has served the patent owner of such infringement and the patent owner did not file the case.
- Every licensee of the patent may intervene in the owners side in the counterfeit case to receive indemnification for the damage incurred.

Article 42:

- A person infringing the rights of a basically published patent while being aware of such action, shall be penalized by a fine ranging from five to fifty million Lebanese Liras and imprisonment from three months up to three years or by either of the penalties hereinbefore mentioned.

- Exploiting the invention on non-commercial, non-industrial personal aims or for scientific research reasons shall not be considered counterfeit according to the provisions of the Article herein.

Article 43:

Persons instigating, sharing or participating in the counterfeit crime shall be penalized according to the stipulations of Article 42 herein.

Article 44:

The penalties herein mentioned shall be doubled in case of repetition or in case where the offender has a contractual relationship with the patent owner.

Article 45:

Courts shall determine the counterfeit action depending on the basic factors without the partial discrepancies.

Article 46:

Any person who infringed the rights of a patent owner shall indemnify the injured part for the damages which include material and moral damages, the missed gains and the profits incurred by the infringer. The Court may rule to impound materials subject of the case and equipment used in the infringement.

Article 47:

Any person by virtue of his position, post, profession or art has possession of secret industrial or commercial information and illegally discloses such or utilize such for a personal benefit or the benefit of a third party shall be penalized according to the provisions of Article 42 of the Law herein.

- To apply such Article:

a- The owner of such information has acquired the subject matter through legal means.

b- The industrial or commercial value of such information is due to being a secret.

c- The owner of such information has taken appropriate measures to keep such information a secret.

- Methods of manufacture and experimental and testing results are considered secret information.

- Secret information that the Authority specifies to be released in order to license use of pharmaceutical preparations and chemical products utilized in agriculture shall not be illegally used for commercial purposes. Such information shall not be released unless the protection and welfare of the public so dictates.

**Section Two
Secondary Penalties**

Article 48:

It shall be ruled to impound and destroy materials and equipment leading to damage or utilized to infringe rights of the patent owner even in case of acquittal.

Article 49:

Any ruling of a crime stipulated in the Law shall include:

- Posting the verdict in places specified by the Court and publishing such in two local newspapers on the expense of the forfeiting party.
- Discount the eligibility of the forfeiting party for voting or being elected in the boards of chambers of trade, associations, syndicates, co-operations and labor arbitration councils for a period that does not exceed five years.

**Section Three
Precautionary Measures**

Article 50:

- a- In cases where imminent infringement on any of the patent owner's rights is apprehended, the patent owner may request precautionary measures to prevent such imminent infringement.
- b- The Head of the First Instance Court and the public prosecutor may take the precautionary measures aforementioned in paragraph (a).
- c- Such decisions shall be served to the Authorities to include the customs, in order to act accordingly.
- d- Judge of Summary Jurisdiction may decide on matters permitted by law such as petitions in protection of the rights where infringement is apprehended, the Judge may impose compulsory fines in execution to his decisions.
- e- The party requesting such measures shall file a case within a period of fifteen days from the day of the decision issuance otherwise the case shall be dropped.

Article 51:

The summary Jurisdiction Judge, the Head of the First Instance Court and the Public Prosecutor may, for or without a bond, order for the description and inventory of all that forms the infringement of the rights of the patent owner or evidence thereof wherever it is, samples of such may be taken and the impound shall be safeguarded at the possessor for or without a bond, the possessor may be appointed an official receiver. For such purpose an expert in such matters may also be appointed.

Article 52:

- a) Sworn elements of the interior security, customs and employees of the Intellectual Property Protection Authority are entitled to describe and inventory whatever constitutes an infringement to the rights of the patent owner, and may hold samples of such. Such employees are appointed for such task according to a decision or mandate issued by the Summary Jurisdiction Judge, the Head of the First Instance Court, the Public Prosecutor or the Head of the Intellectual Property Protection Authority according to their competence.
 - Sworn employees of the aforementioned Authority are designated Law officers in application of the Law herein.
- b) Employees hereinbefore mentioned may not inform the holder of the Articles and industrial methods, accused of being counterfeited, of their instructions before executing the writing of the minutes unless otherwise requested by the holder of the articles.

- c) The employees upon writing the minutes of their process shall identify their official capacities and forward the copy of their instructions received from the relevant Authority.
- d) Upon completion of the minutes the employees shall hand over a copy of the decision or mandate, the minutes and inventory to the holder of the articles and industrial methods accused of being counterfeited.

Article 53:

a) Minutes shall be written indicating the samples that were taken and the description and inventory of the articles and industrial methods accused of being counterfeited; in the minutes the following should be mentioned:

1. Name and capacity of the minutes executor.
2. The Authority that issued the decision or the mandate and the date thereof.
3. Date, place and time where the decision or mandate shall be executed.
4. Identity, address and profession of the holder of the articles or method.
5. Detailed list of the industrial methods and articles accused of being counterfeited to include its numbers, types characteristics.
6. Purport and signature of the holder mentioned in the minutes and list of inventory, if it is separate, if the holder objects to his signing, such shall be stated.
7. Signature of the minutes executor.

b) The holder of the articles and methods accused of being counterfeited may state in the minutes all the information and reservations that he deems to be of benefit.

Article 54:

The Civil or Criminal Law Suit shall be initiated before the competent court against the holder of the articles or industrial methods within a period of fifteen days from the date of the minutes otherwise the minutes shall be considered null and void and the bond may be confiscated if paid.

Article 55:

The Court, upon the request of the plaintiff, and before the case is decided, may for or without a bond detain all or some of the articles, equipment and tools stated in the minutes and the inventory.

The decision shall name the employee tasked for the impound and the place where the impounded articles, equipment and tools shall be placed and the designated law officers responsible for such, together with the value of the bond if levied.

Article 56:

The person impounded shall receive copies of the following:

- a) Impoundment decision.
- b) The bond determined.
- c) The minutes of the impound.
- d) The inventory list of the impounded articles, equipment and tools.

Article 57:

The Intellectual Property Protection Authority shall collect from the applicant against the disclosure of the list or impounding, a total fee of 200 thousand Lebanese Liras for each transaction.

Article 58:

Each Jurisdiction decision taken according to the provisions of the Law herein shall be served by the issuing court to the Intellectual Property Protection Authority within a period of 15 days from the issuance thereof.

**Section Four
Transitional Provisions**

Article 59:

The patents granted before the issuance of Article 5 of the Law herein will benefit therefrom, provided these patents are effective as of the date of implementing such, provided that the previous protection period shall be deducted from the protection period provided in such Law.

Article 60:

Articles 1 to 46 and 99 to 104 of the decision No. 23 85 of 17/1/1924 (as amended) shall be implicitly revoked. Articles 707, 708 and 709 of the Penal Law shall be revoked.

Article 61:

Article 51 of the decision No. 2385 of 17/1/1924 (as amended) shall be modified so that the phrase "pursuant to the provisions of the first and the second chapters of the Patent Law in lieu of the phrase "pursuant to the provisions of Article 1 to Article 48 of such decision".

**Chapter 3
Semi - Conductors
Section one
Patenting Semi - Conductors**

Article 62:

Unless being prevalent, the final or intermediate topography of a semi conductor, which imply intellectual activity of the creator, may be subject of patenting, thereby granting the protection provided in this chapter.

- Such patenting may not be done after expiry of two years from the first commercial investment of the topography in any place in the world, or after expiry of 15 years of registering or encoding thereof, for the first time in case of non-exploiting.
- Any patent filing shall be void and null if the provisions provided in this article are not fulfilled.

Article 63:

- The right to patent shall be inured to the creator or his successors.

- If the patentee is not a Lebanese or not resident in Lebanon, the patentee shall appoint an agent resident in Lebanon.

Article 64:

The patenting shall not include more than one topography, and shall comprise:

a) Filing an application including sufficient information for indicating the applicant, the topography and the date and place of exploiting thereof, or otherwise the date of registering or encoding thereof for the first time.

b) Figure representing the topography enclosed in an envelope. The patentee may cover the sections he does not intend to disclose to others.

The figure may be associated with an enclosure of the information and patterns for the product which include the topography.

c) Power of Attorney with special signature if the applicant is represented by an agent (associate).

d) Evidence of the payment of the depositing fees amounting to 120,000 Lebanese Liras.

Article 65:

The Head of the Intellectual Property Protection Authority shall register the application after assertion of the fulfillment of the provisions provided in the previous Article and shall issue a certificate thereby, to be published in the official gazette on the depositor's own expenses.

Article 66:

Any person is entitled to examine the application file at the Intellectual Property Protection Authority. However, a copy of the file may not be obtained except under the depositor's permission or by a Jurisdiction decision.

Article 67:

The application filing shall not affect others, if the specifications indicated in the application and supplemented with the figures and disclosed to the public, do not determinate the topography required to be protected.

Chapter 2

**The Rights Arising from the Filing
And the Transfer and Invalidity Thereof**

Article 68:

The applicant of the semi conductor has the right to prevent the others from:

a) Copying the protected topography.

b) Exploiting or importing such copy or any semi-conductor including thereof for commercial purposes.

Such prevention shall not include:

- Copies for the purposes of evaluation, analysis or education.
- Creating a different topography liable for the protection provided in this chapter, pursuant to such analysis or evaluation.

Such prevention shall not affect the possessor of the sub conductor in a bona fide. Further, the possessor shall pay reasonable compensation if he intends to commercially continue its exploitation.

Article 69:

The prevention provided in the article hereinbefore shall be effective as of the date of filing or the date of first commercial exploit if preceding the filing. Such prevention shall remain to the benefit of the applicant for ten years as of the date of filing the application.

Article 70:

The filing shall be invalid, if the topography subject of the filing was not exploited within the period of 15 years as of the date of registering or encoding thereof for the first time.

Article 71:

Articles 22 to 28 of the Law herein shall be implicitly applied to the rights resulted from filing a semi-conductor. The relevant agreements and appeals thereon shall be registered in the register of the semi-conductors of the Intellectual Property Protection Authority at the Ministry of Economy and Trade.

Article 72:

This Law shall come into force upon the publication thereof in the official gazette.

Issued by: The President of the Republic of Lebanon
The Prime Minister of the Republic of Lebanon
Signed by: Saleem Al-Huss
Prime Minister
Signature: Saleem Al-Huss