

Trademark Law

LAWS AND SYSTEMS OF THE COMMERCIAL AND INDUSTRIAL PROPERTY IN LEBANON RESOLUTION NO. 2385, ISSUED ON 17 JANUARY 1924, AMENDED BY THE LAW OF 31 JANUARY 1946.

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Resolution No. 152 Issued on 19 July, 1939

- Concerning the enforcement of Paris Union Convention related to the Protection of the industrial property dated 20 March, 1883, as reviewed in London on 2 June 1934, and Madrid Convention of 14 April 1891 regarding the prosecution of applicants of false statements about the origin of goods in Syria and Lebanon.

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- Concluded on 20 March, 1883 regarding protection of industrial property, as reviewed in Brussels on 14 December 1900, in Washington on 2 June 1911 and in the Hague on 2 June 1934.

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- Concerning punishment against false statements about the origin of origin, as reviewed in Washington on 2 June 1911, in the Hague on 6 November 1925 and in London on 2 June 1934.

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RESOLUTION NO. 2385, ISSUED ON 17 JANUARY 1924 (As Amended by the Law of 31 January 1946)
The System of Commercial And Industrial Property Rights

General Wegan, the High Commissioner of the Republic of France in Syria and Lebanon, pursuant to the Decree of the President of the Republic of France, dated 23 November, 1920, Pursuant to the Resolution No. 769 for organizing the temporary protection of industrial and commercial property rights, for persons who displayed in Beirut Exhibition, Pursuant to the Resolution No. 865 for organizing the temporary protection of trademarks of factories and trade in Syria and Lebanon, Pursuant to Resolutions Nos. 2044 and 2067, issued on 19 July 1923 with the establishment and organization of a bureau for the protection of the rights of intellectual property, Pursuant to order No. 2166, issued on 3 December 1923 for the establishment and organization of a committee authorized to examine and review the draft resolution drawn up by the Director of the protection Bureau, After perusal of the results of discussions of the above-mentioned Committee, Whereas the States under mandate have no legislation concerning the intellectual property rights in conformity with the advanced economic situation in such states, Whereas it is necessary to enact for the territories under the French mandate, a legislation which conforms with the applicable laws at all the other civilized nations, Whereas the committee authorized to examine and review the draft submitted thereto, had unanimously approved it under the condition of effecting some amendments related to details. Such amendments were effected in the final text. After the approval of the Finance Advisor and the legislative Advisor in the High Commissariat. And upon the proposal of the Secretary General of the High Commissariat, has decided the following:

PART ONE
INVENTIONS WITH WHICH A CERTIFICATE IS GRANTED, AND INVENTION CERTIFICATES

Chapter One **General Procedures**

Article (1)

Every industrial invention which creates a benefit to its owner, he alone shall have the right to utilize and invest it, and such right shall be acknowledged by a certificate subject to the conditions specified herein below.

Article (2)

A certificate may be granted for each invention related to a new industrial product, and for each discovery of a new method which results in some product or a known industrial outcome, and for each new application of a known industrial method.

Article (3)

No certificate shall be granted for financial combinations, and inventions which clearly appear to be in violation of public security, and order, good discipline and pharmaceutical compounds and prescriptions.

Article (4)

Protection secured by the certificate shall be valid for the period of fifteen years as of the date of the minutes of filing, provided for in Article (12).

Chapter Two Application for and Granting of Certificates

Article (5)

Any person shall have the right to obtain a certificate. In case the applicant is a foreigner, he should have a resident representative in Syria or Lebanon. The application for a certificate shall be sent to the Director of the Protection Bureau in Beirut by the inventor himself or by his agent or a proxy who is officially known of this capacity.

Article (6)

Application shall be enclosed with:

- A) A certified power of attorney in case the inventor appoints an agent or a proxy on his behalf.,
- B) A sealed envelope which contains two copies of each of the following documents:., 1) The description of the invention. 2) Drawings and plans necessary to understand the invention.3) A list of the filed documents.

Article (7)

(As amended by Article (1) of the Law of 31 December 1946):

Applications shall be submitted in Arabic. However, the applicant of the patent of invention may submit the technical description of his invention in a foreign language. Application shall contain the name of the invention the name of inventor, his age, occupation, nationality, and his domicile or that of his agent or proxy when necessary, and the subject of the invention in a clear and brief form. Specifications, measurement, weight and others should be indicated in metric measurement. An application is only for one invention showing all its additions and different forms.

In case the inventor had previously applied for a patent of invention in other countries, or got them, or had obtained a demonstration certificate for his invention in certain exhibition, he should manifest this in his application.

Article (8)

Inventor or his agent or proxy shall sign all documents attached to the application, with the power of attorney tied thereto (1) .

Article (9)

The Application submitted to the Protection Bureau shall not be accepted unless the inventor or his agent pays to the Director of the Bureau at least the first annual installment of the fees to be paid for such certificates as stated in Article (10) herein under. In case of filing an application by correspondence, it shall be attached at least with the value of the first installment by a cheque or a draft in the name of the Bureau Director. Some of or all the installments may be paid at one time in the first payment. In case of payment of five installments in one payment, a ratio of five per cent shall be deducted from the total payment. Discount shall be increase to seven per cent in case of payment of ten installments, and ten per cent in case of payment of all the fifteen installments in one payment, and a receipt for the paid amount shall be given immediately to the inventor or his proxy or agent, or to sent to him.

Article (11)

No filing shall be accepted unless enclosed with at least the installment of the first year.

Article (12)

a minutes shall be prepared and signed by the Bureau Director, in which the time and day of handing over or receiving delivery of the papers are mentioned as well as the payment of fees. A copy of this minutes may be given or sent to the person who files such documents against payment of a fee of two Lebanese Liras

Article (13)

A time limit of eight complete days from the date of issuance of the minutes shall be given to the Bureau to prepare the certificate.

Article (14)

Certificates for which a legal application has been filed shall be given without the least guarantee concerning the reality and truth of the invention, its merit or innovation, or the honesty of the invention's description or authenticity.

Article (15)

(Amended with Article (3) of Law of 31 January 1946):

The Minister of Commerce and Industry shall grant the invention patent by a decree issued by him based on the documents provided for in Article (6) of Decree No. 2385. The inventor shall be given a free copy of this Decree attached to a copy of the statement of the inventions description and the submitted drawings, plans or charts. Each new copy of this patent shall be given to the inventor or any other person having an interest thereof shall be subject to a fee of Lebanese liras four and half(1)

Article (16)

The inventor or his proxy shall have the right to request in the application provided for in Article (5), the delay of giving the certificate. In such case the certificate shall be given after one year from the filing date. However, the inventor or his proxy shall have the right to ask for it during that period all the year round.

Article (17)

In any case, the right of delay shall not be given concerning inventions for which a certificate is applied for in foreign countries.

Article (18)

Any application in which the above mentioned provisions are not observed, shall be returned to the applicant if necessary seeking him to file legal documents. The office, however, shall be informed of the date and time of receiving such documents. In case such documents are legally returned within two months, the filing shall then be recorded in the date of its first receipt and a minutes shall be arranged therewith. As for applications which cannot get the required legal form, within two months, they shall be made inactive.

Article (19)

(Amended by Article (2) of the Law of 31 January 1946):

If the invention includes many inventions or included in subdivisions provided for in Article (3), the Director of the Protection Department shall inform the inventor thereof, and a decisive report shall be submitted to the Minister of Commerce and Industry in this respect. The applicant for the patent of invention shall be given a period of thirty days starting from the date of receiving the above mentioned notification to submit his observations. The Minister shall declare the acceptance or rejection of the application in a resolution to be issued within a period of fifteen days. Such resolution may be appealed and contested before the State Consultative (Shura) Council within a period of thirty days from the date of service of the above mentioned resolution.

Article (20)

If the invention is returned for being synthetic or compound, the applicant may file other applications for each division of the original invention or with only one division thereof. The Certificate or Certificates to be given in such cases shall be dated from the day and time of the returned application .

Article (21)

If an application is returned, the first paid installment shall be kept for the Bureau. The paid fees, however, shall be totally calculated for the certificates given as per the provisions of Article (20).

**Chapter Three
Additional Certificates****Article (22)**

(Amended by Resolution No. 170, issued on 6 December 1937):

The owner of certificate whether the inventor or the owner thereof may effect any change, alteration, or addition in the original invention by completing the documents and dealings described in Article (5) and subsequent articles of this Resolution. The filing minutes for the additional certificates shall be prepared in the same method in which the minutes provided for in Article (12) concerning the original certificates is prepared. A copy thereof may be given to the applicant for the additional certificates or the owner thereof(1) against the payment of two(2) Lebanese Liras.

Article (23)

The additional certificates shall have the same effects as the original certificate. If the owners of the original certificate are multiple, the additional certificate obtained by one of them shall be applicable and beneficial to all without distinction.

Article (24)

In case there is an improvement in an invention whose certificate is given to another person, the innovator of such improvement shall not be allowed to invest the original invention. Similarly, the owner of the original invention shall not be allowed to benefit from the additional certificate given with the improvement made or discovered after the invention unless both parties agree thereto.

Article (25)

The additional certificates shall be dated as of the date of filing an application therefor, and shall expire with the lapsed of the duration of the original certificate related to such certificates.

Article (26)

If a certain certificate is declared null and void because the invention for which it was given is not new, the additional certificates related thereto may remain valid, provided that the payment of annual installments of each certificate would continue, and the certificates shall remain in effect and valid throughout the period specified for the original certificate had it not been declared null and void.

Article (27)

Any holder of an additional certificate may at any time seek replacement of his certificate with an original one, provided he pays the difference in the fee for the current year. The duration of such new certificates shall be equal to that of the original certificate.

Article (28)

(Amended by Resolution No. 170, issued on 6 December 1937):

In order for the application for the additional certificate to be accepted it should be attached to at least the value of the first years installment. By this installment, it is meant the one corresponding to the current installment of the original certificate for that year. In case of applying for an additional certificate during the precedent year following giving the original certificate, this application shall be enclosed with an amount of 18 Lebanese Liras otherwise, if an application is submitted within the same year in which the original certificate is taken, fees estimated at 6 Lebanese liras shall be paid in advance(1) .

Chapter Four

Transfer, Assignment and Seizure of Certificates

Article (30)

The holder of a certificate may assign it totally or partially, in return for a price or for free, as well as of its whole ownership or for the right of usufruct only. He may also give it as a warranty, or offer it to a company...etc.

Article (31)

Any transfer or assignment shall be effected and executed in writing otherwise it is null and void. Likewise, if it is not recorded in the Protection Bureau, it shall be considered null and void towards every other person. Transfer of the certificate shall be entered in the competent register designated for this purpose at the Bureau upon the request of the transferee of the certificate within a period of three months from the date of transfer. Such entry shall include names and addresses of the persons interested in or concerned with this question, the number, dates and documents of the certificate, the type of assignment, and its duration and the date of the assignment deed concluded between the owner of the certificate and the assignee.

Article (32)

The striking off of the assignment shall be effected in the register mentioned in Article (31) pursuant to the submission of an official copy of a final verdict or a judicial writ, or according to an official deed of consent on the striking off from the creditor or any other beneficiary of such right.

Article (33)

(Amended by Resolution No. 170 issued on 6 December 1937):

Any person who asks the Bureau for a copy of the entries of assignment, cancellation of assignment, or a certificate that there are no assignment entries or cancellation of a certain certificate, may obtain it. The Bureau shall receive for the entry of an assignment or transfer of ownership, a fee of five Lebanese Liras, and a fee of two(1) Lebanese Liras for giving a copy of the assignment entry or assignment cancellation, or of the certificate proving the non-existence of an entry for a certain certificate.

Article (34)

(Amended by Article (4) of Law of 31 January 1946):

All registrations of assignment of the ownership of the patents of inventions or the hachuring thereof shall be published in the official gazette.

Article (35)

Whoever has a debt with the holder of a certificate of invention may seek the seizure thereof. The creditor shall submit to the Bureau a written objection against any assignment entry to be effected for the benefit of a third person. Such objection shall be attached to an official copy of the debt

deed or the seizure order given by the judge of the domicile jurisdiction of the debtor or his representative in case the debtor is domiciled abroad

Article (36)

Notification to prove seizure which the creditor sends to the debtor shall have its effect on the assets of the public right

Article (37)

In case the seizure is proved, the court shall sell the certificate in a bidding unless the two parties agree otherwise. The new owner of the certificate who acquires it by bidding or by purchase shall request the entry of the bidding or the sale in the Bureaus register within a period of three months starting from the date of transfer of the certificates ownership, otherwise such transfer shall be considered null and void.

Article (38)

In case the request of entry of assignment of the certificate is made offer an objection is filed concerning that certificate, the Bureau shall make the requested entries which become valid and in effect unless seizure is proved. If any seizure is proved, the Bureau shall automatically strike off the assignment entries related to that certificate.

Article (39)

In case of additional certificates given after the assignment of the original certificate by the owner of the original certificate or the beneficiaries who have rights therein, the assignee shall legally become the beneficiary therefrom. Moreover, the owner of the original certificate or the beneficiaries who have rights thereto shall benefit from the additional certificates given to the assignee whenever the original certificate is returned to the assignor .

Chapter Five

Nullification and lapse of certificates

Article (40)

Any person who has interest in the matter shall have the right to raise a claim for the nullification or waiver of the certificates. Such claims shall be submitted to the Court of Commerce provided that provisions of resolutions Nos. 2028 and 2029 shall remain applicable. The public prosecution may always interfere in the matter for the issuance of a verdict with the nullification or full waiver of the certificate.

The Claim may also be directly raised, and the claim shall be fundamental in cases provided for in Article (43), paragraph (4), and Article (46), paragraph (1), to issue a verdict with nullification or waiver of the certificate. All those who have rights in the certificates and their deeds were registered in the Protection Bureau shall be involved in the claim.

Article (41)

The request for nullification or waiver of the certificate shall be investigated and determined as

per the rulings and principles provided for in the Law of the Legal Principles for Prosecution and Trial. The attorney general shall always receive the claim documents in advance.

Article (42)

(Amended by Article (5) of the Law of 31 January 1946):

The Chief Clerk shall send a copy of each applicable verdict for implementation to the Protection Department, and the abstract of the verdict shall be published in the official gazette with the approval of the concerned person who shall pay the publication expenses.

Article (43)

The granted certificates shall be considered null and void:

- 1- If the invention is not new.
- 2- If it is not possible to give a certificate for the invention in the cases provided for in Article (3).
- 3- If the invention is related only to theoretical or scientific ways and methods which do not apply to a specific industry.
- 4- If the title under which the invention is presented deliberately indicts something else other than the invention itself.
- 5- If the description of the invention, its charts, plans and expense lists are insufficient to put the invention into operation.

The Additional certificates which are not related to the original certificate shall also be considered null and void .

Article (44)

(Amended by Article (11) of Law of 31 January 1946):

In order that the invention would be considered new, nothing should be published about such invention in Lebanon or abroad that enables the application thereof with the exception of the inventions which were given a guaranty certificates in exhibitions, provided that the international conventions contradictory to the invention and are applied in Lebanon, are taken into consideration.

Article (45)

(Inserted in Article (2) of Resolution No. 164, issued on 8 December 1938):

In case the holder of certificate does not pay the prescribed fee before the beginning of each year of the years of the term of his certificate, his rights to the certificate shall be forfeited. However, he shall be granted a time limit of six months to pay all arrears, but in such case he shall be required to pay another fee of three Lebanese Liras in addition to the original fee (1) .

Article (46)

(Amended by Article (12) of the Law of 31 January 1946):

The rights of the owner of the certificate shall also be forfeited:

- 1- If he brings to Lebanon, from foreign resources, items which are similar to the items protected by his certificate, without prejudice to the international conventions contradictory thereto and which are applicable in Lebanon.
- 2- If he fails to put his invention into operation and use within a two-years period, unless he proves that he has demonstrated and offered his invention directly to industrialists capable of

implementing it, and that he has not refused without reason any licensing applications to implement it with reasonable conditions.

Article (47)

(Amended by Article (11) of the Law of 31 January 1946):
Special provisions shall be issued later whereby the terms and condition of the international protection of the certificates of patents of inventions applied in Lebanon, are set down and organized.

**PART TWO
INDUSTRIAL DRAWINGS AND DESIGNS
Chapter One
General Provisions****Article (48)**

Any inventor of a drawing or a design, or those who have rights thereto, shall alone have the right of usufruct thereto, and to sell, or offer it for sale, and to authorize its sale, provided that such drawing or design is, previously filed.

Article (49)

The Drawings and designs which contain the two advantages of being new and invented, that is, they include external characteristics to make them of special form which differentiates them from known drawings and designs may be filed.

Article (50)

Accordingly and on the basis of the specification mentioned in Article (49), it is possible to file the fabrics which contain illustrated or sewn paintings and illustrated and painted papers for wall decorations, and the new designs of caftans, coats, and hats for women and men, cosmetic accessories such as scrappers, sock holders, shoes, corsets, covers of flasks and flacons, bottles of wines and alcoholic drinks and beverages, and perfumes.... etc. cardboard packages and boxes used for pharmaceutical products, external wrapping of goods or of any other product... etc. The above-mentioned listing shall not prevent the possibility of filing other similar things which are not mentioned therein.

Article (51)

If the new design can be considered an invention entitled to a certificate, it shall be protected as per provisions of Article (1) to Article (48) of this Resolution. But if the elements which make such a design a new one can be separated from the invention itself, then the inventor may, upon his own request, benefit from both protections resulting from the certificate and the filing, provided that he pays the fees determined for each of these two processes.

Article (52)

Filing alone shall not give the right to ownership of a drawing or a design, but it ensures the

person who files it the right to ownership consideration for himself, but the real ownership shall not be acquired except with the use of the drawings or designs.

Chapter Two Filing, Dealings, Duration And Fees

Article (53)

(Supplemented by Article (10) of the Law of 31 January 1946):

The inventor of a drawing or design or his agent or official proxy shall send the filing application to the Director of the Protection Bureau. Such an application shall contain the following instructions, otherwise it is considered null and void:

- 1- Name, title, nationality and domicile of the inventor of the object required to be filed.
- 2- If necessary, the same information about the authorized agent or proxy shall be mentioned.
- 3- Number and type of the things needed to be filed, on condition this number does not exceed one hundred. Such things shall be numbered from 1 to 100.
- 4- The requested period of protection .
- 5- When necessary, things to be advertised for should be mentioned as per their serial numbers.

Article (54)

The following shall be attached to the application, otherwise it is considered null and void:

- 1- The value of fees specified in Articles (65) and (66).
- 2- When necessary, the agency agreement or power of attorney with which the agent or proxy is officially known.
- 3- Two designs or two copies of any thing required to be filed provided they contain the number of that thing.
- 4- Two copies of the particulars of each of the filed drawings or designs. Each of the particulars shall include a number as explained above, and signed by the person who is making the filing. Such particulars shall be written on a sheet of paper, the size of which shall be specified elsewhere. This sheet of paper shall include all necessary instructions about the thing, to which it is related, particularly if they are related to a design, the shape of which is enlarged or reduced. In such case, the scale of measurements used for that purpose should be shown.
- 5- Specimen of the stamp used for sealing the boxes in which the applicant put things requested to be filed with their particulars.

Article (55)

The legal measurements for boxes, designs and particulars stipulated for in Article (54) shall be specified in special instructions to be issued later. Provisions of these instructions shall be strictly observed, otherwise the application shall be considered null and void.

Article (56)

The Head of Protection Bureau shall enter the filing permit in a special register designated for that purpose, in which he shall mention the date, hour and serial number of the filing. The same instructions shall be shown on the sealed box submitted by the depositor.

Article (57)

As mentioned in Paragraph five of Article (53), the depositor or applicant shall have the right to

ask for advertising all the things he filed or just a part thereof at the time of filing without paying an additional fee. He shall reserve this right during the first five years following the filing but in this case the request for advertising shall necessitate the payment of the fee specified in Article (66). As long as the depositor has not asked for advertising the things he filed, the secrecy of the filing shall be fully maintained.

Article (58)

The depositor who wants to advertise all or part of the things he filed, shall submit an application therewith to the Director of the Bureau, to be enclosed with a design of each of the things he wants to advertise. Then the Bureau Director shall open the sealed box and take the requested thing or things, confirm their similarity to the submitted design, stamp one of the two designs taken from the box, date it and give it to the depositor. As for the second design, the same explanations shall be notarized thereupon and kept at the Bureau, at the disposal of whoever wants to see them. The remaining things not to be advertised, shall be returned to the box which is sealed once again.

Article (59)

(Amended by Resolution No. 170, issued on 6 January 1937):

As mentioned in Article (58), the public may examine the copy of the published drawing or design kept at the Bureau free of charge, based on an application to be submitted to the Director of the Bureau. Otherwise, the depositor and the owners of rights related to them from him and any person proved to be involved in a judicial claim related to the published drawing or design, may obtain a photographic copy of this drawing or design, on paying its expenses and also a fee of two(1) Lebanese Liras.

Article (60)

If the advertisement for the filed things is not requested during the five years following the filing, the sealed box shall be put at the disposal of the depositor who may keep the filing in effect on all or part of the things in the box, whether he wants to keep the filing confidential or to be published, all in accordance with the same principles mentioned in Article (58). The only difference between the two filings is that things which are not requested to be filed shall be returned to the depositor(2) .

Article (61)

After the lapsed of the period of the first five years, and if the depositor requests to keep the filing confidential, the Director of the Bureau shall open the sealed box, take the requested duplicates with their particulars therefrom and put them all in a sealed envelope after authenticating each of the two copies, then the box shall be sealed again, to be returned to the depositor when necessary.

Article (62)

The open or confidential filing requested to be effected before or on the lapsed of the first five years shall remain for the period of twenty five years, starting from the date of the first filing provided for in Article (53). At the lapsed of these twenty five years or before its lapsed the depositor or those who have rights therein, may ask for extension of filing for another twenty five years.

Article (63)

At the beginning of the second twenty five years, the filing shall be declared as per the rules specified in Article (58) and onwards.

Article (64)

(Amended by Article (12) of the Law of 31 January 1946):

In case of lapsed of the first five years following the first filing and the depositor did not request either advertising the filed thing or extending the confidential filing, the Director of the Bureau shall open the box, and if the depositor does not ask for recovering it during the following month, the drawings and designs which may be of any benefit or use, shall be distributed among the industrial establishments in Lebanon in order to evaluate the benefit therefrom for schools of arts and industries. The name and address of the depositor shall be kept written on the things. Same distribution shall be effected on the drawings and designs, whose depositors do not request renewal of its filing after the lapsed of the twenty five year period, as well as the drawings and designs which become the property of the public after the lapse of twenty five years thereupon.

Article (65)

(Amended by Resolution No. 170, issued on 6 December 1937):

Whether the depositor requests or does not request advertisement on filing, the first filing, provided for in Article (53) necessitates the payment of the following fees:(1)

1- A lump sum of twelve Lebanese Liras. It shall not be possible to file more than one hundred drawings or designs in one application. This lump sum fee shall be decreased to six Lebanese Liras if the same person submits at one time many filing application for drawings and designs he invented or if he is the owner thereof; provided he always pays, for the first application, the fee of twelve Lebanese Liras. As for the person who submits many filing application at the same time but for different commercial shops or for different persons, he shall not benefit from this discount.
2- A fee of fifty Lebanese piastres shall be paid for each filed drawing or design. This fee shall be decreased to thirty Lebanese piastres if the number of filed drawings and designs is more than one hundred, and to twenty Lebanese piastres if the number is more than two hundred. Such discount shall be effected successively.

For example: If a person files four hundred and fifty printed designs for one shop, he shall pay the following fees:

Lebanese Liras

1) A lump sum of twelve LL 12

four lump sums each is LL 24

2) 100 fees, fifty piastres each 50

100 fees, thirty piastres each 30

250 fees, twenty piastres each 50

Total hundred sixty six Lebanese Liras one 166

Article (66)

In case advertising is not requested on filing, but is requested at some other time during the five years following the filing, the advertising request shall enclosed with the following fees, otherwise such request shall be considered null and void:

1- A lump sum of 12 Lebanese Liras.

2- A fee of one Lebanese Lira for each drawing or design wanted to be published if the number of drawings and designs is not more than fifty, and fifty Lebanese piastres for the number over the

fifty.

The following fees shall be paid for the confidential filing application on the lapsed of the first five years period following the first filing:

- 1- A lump sum fee of 12 Lebanese Liras.
- 2- A fee of 3 Lebanese Liras for each drawing or design to be kept confidential.

As for the open filing application which is submitted on the lapsed of the first five years following the first filing, the fees mentioned in the preceding paragraph concerning keeping the filing confidential shall be paid.

Lastly, the following fees shall be paid for the filing extension application for a new twenty five year period after the lapsed of the first twenty five years:

- 1- A lump sum fee of 18 Lebanese Liras.
- 2- The fee of 6 Lebanese Liras for each filed drawing or design.

Article (67)

Advertising for a drawing or a design before filing even if such advertising is effected due to the sale of the product, shall not result in the lapse of the protection granted under this Resolution.

PART THREE TRADEMARKS OF TRADE AND FACTORIES

Chapter One General Provisions

Article (68)

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

Article (69)

A trademark is optional unless there are legal provisions to the contrary

Article (70)

A trademark can be personal or common. Literary Professions Societies, provincial companies, and agricultural or industrial companies which are licensed by the government, may acquire the right to have a common trademark to protect thereby the quality of the industry of their goods, their source or origin, or their products. Members of these companies alone shall have the right to use this common trademark or label which is separate from the personal trademark which each of them may acquire for itself.

Article (71)

The trademark shall not contain any national or foreign symbols. It shall not include, as well, a world, signal or symbol which is revolutionary or in breach of the public order or sound and good discipline.

Chapter Two

Filing, Duration and Precedence

Article (72)

Personal ownership of a trademark shall not be claimed unless such a trademark has been previously filed in the Protection Bureau as per the provisions of Article (79) and subsequent articles thereto.

Article (73)

In case a person claims the precedence of his use of a trademark which is not filed, it is always imperative in such circumstances that he submits a written evidence thereof.

Article (74)

(Amended by Article one of Resolution No. 24 issued on 30 December 1926):

If a trademark legally filed does not cause an acknowledged true objection within the five years period following the filing, it shall not be possible to object afterwards to the first depositor concerning the right of ownership of this trademark due to precedence of its use, unless it is proved in written deeds that the depositor was not ignorant or unaware at the time of effecting the filing that the trademark belonged to the person who used it first.

Article (75)

(Amended by Article (2) of Resolution No. 84 issued on 30 December 1926):

Any person who proves, after the lapsed of the five years period mentioned in the preceding Article, that he has freely and continuously used the trademark prior to the filing, may keep that right of use but for the period of fifteen years only, starting from the date of filing. This right of use may be transferred with the transfer of the commercial establishment. The owner of this right may, in order to maintain his right, raise a legal claim for illegal competition.

Article (76)

(Amended by Article (3) of Resolution No. 84, issued on 30 December 1926 and Resolution No. 170 issued on 6 December 1937):

A filed trademark may be transferred by inheritance, sale and assignment with its price or free of charge, with or without the commercial establishment.

Any transfer of a filed trademark, in order to be a pretext or excuse against others as per the text of this Resolution, shall be notified to the Bureau. for each registration of a transfer of trademark a fee of five Lebanese Liras shall be paid, in case the trademarks purchaser requests registration within a period of one month starting from the date of effecting the sale (legal periods specified for remote place shall not be included in this period). Any delay in a registration request shall necessitate the payment of an additional fee of three Lebanese Liras for each two months (1) .

Article (77)

(Amended by Articles (11) and (12) of the Law of 31 January 1946):

Filing duration shall be fifteen years, which may always be renewed for subsequent duration of fifteen years each provided that the payment of the fees mentioned herein under is made.

The owner of the trademark or his proxy or agent shall submit a handwritten application on which

duty stamps are affixed to the Director of the Bureau including all the following explanations, otherwise the application shall be considered null and void.

Article (79)

(Amended by Article (5) of Resolution 84 issued on 30 December 1926, and supplemented by Article (10) of Law of 31 January 1946):

The trademark owner or his agent shall send a handwritten application on which duty stamp is affixed to the Director of the Bureau, mentioning the following explanations, otherwise it shall be considered null and void:

- 1- Name, title, surname, nationality and domicile of the depositor.
- 2- When necessary, same data about the agent or proxy.
- 3- Type of trade or industry which is practiced by the depositor.
- 4- A very brief description of the trademark.
- 5- Products or goods on which the same trademark is put abroad.

The application shall be accompanied with the following documents, otherwise it shall be considered null and void:

- A- Two copies of the trademark design, specifying color and size if necessary.
- B- The original copy of the power of attorney or agency agreement by which the agent or proxy is known(1) .
- C- The Cliché of the trademark.

The application shall be accompanied if possible with copy of the filing certificates which might have been given for this trademark abroad, or certificates of temporary acceptance in trade exhibitions and fairs.

Article (80)

(Supplemented by Article (6) of Resolution No. 84 issued on 30 December 1926):

Any filing application of any kind shall not be accepted unless the depositor pays the prescribed fee for, at least the first fifteen years. In case the depositor so wishes to secure protection to his trademark for thirty, forty five or sixty years or for any other period he shall expressly state that in his application and pays the corresponding fees therefor.

Article (81)

(Amended by Article (6) of the Law of 31 January 1946):

The Director of Protection Department shall receive the application and attached documents, and examine them before deciding whether it is possible to accept the registration of the trade or industrial trademark under the provisions of Article (71). In case of non-acceptance of registration, the Director shall refer the file to the Minister of Commerce and Industry accompanied with a decisive report. The Minister may declare the acceptance or rejection of registration by a decision to be issued within fifteen days. Such decision is contestable in case of rejection before the State Consultative (Shura) council within thirty days from the date of notifying the registration applicant therewith.

Article (82)

(Supplemented by Article (10) of the Law of 31 January 1946):

In case the trademark proves to be legal, it shall be filed and deposited, and the Director of the Bureau shall enter in the filing register of trademarks the following data:

- 1- The serial number of the trademark.

- 2- The year, month, day and hour of filing.
 - 3- The filing duration.
 - 4- The name, title, nationality and domicile of the depositor.
 - 5- When necessary, the name, title and domicile of agent or proxy shall be mentioned.
 - 6- The listing of goods and products on which the trademark shall be fixed.
 - 7- When necessary, previous filings made by the depositor abroad shall be mentioned.
- Then one of the two copies of the trademark provided with the application shall be stuck in the column specified for this purpose, with all the explanations showing its shape, purpose, and method of use, opposite to the trademark. After finalizing these processes, the Director of the Bureau and the depositor shall sign the register.

Article (83)

The Filing certificate shall be handed over within complete fifteen days starting from the date of its entry in the register provided for in Article (82).

Article (84)

(Supplemented by Article (10) of the Law of 31 January 1946):
The filing certificate delivered to the depositor or his agent shall contain the following data:

- 1- The number of the filed trademark.
 - 2- Date and hour of filing.
 - 3- The filing duration.
 - 4- Name, title, nationality and domicile of the depositor.
 - 5- When necessary, name, title and domicile of the agent or proxy.
 - 6- Goods and products on which the trademark is fixed.
 - 7- Any previous filings that might have been effected abroad.
- The second copy of the trademark, submitted with the application shall be stuck in the column specified therefor and stamped with the Bureaus seal.

Article (85)

(Amended by Article (7) of the Law of 31 January 1946):
The Cliché shall be kept in the protection Department for publication of the trade or industrial trademark in the official gazette, provided that the size of this Cliché shall not exceed 10 cm. long and 10 cm. wide.

Article (86)

(Amended by Resolution No. 170, issued on 6 December 1937):
The fees to be paid for the first filing or upon request of renewal shall be as follows:(1)
Personal Trademark Lebanese Liras First filing for 15 years 15
First filing for 30 years 30
First filing for 45 years 45
First filing for 60 years 60

As for renewed filings, the sum of 15 Lebanese Liras shall be paid for each period of 15 years.
Common - Trademarks Lebanese Liras First filing for 15 years 40
First filing for 30 years 60
First filing for 45 years 80

First filing for 60 years 100

As for renewed filings, the sum of 40 Lebanese Liras shall be paid for each 15 year period

Article (87)

(Amended by Article (9) of Resolution No. 84 issued on 30 December 1926):

For the renewal of filing, the applicant shall submit an application therewith to the Director of the Bureau. He shall write the application as if it is a filing application, and attach to it the same papers. In order to avoid nullification, the renewal fee shall be paid in advance as specified in Article (86).

Article (88)

(Supplemented by Article (10) of Resolution No. 84 issued on 30 December 1926):

The Director of the Bureau shall proceed to undertake the legal entries in the register of renewed filings. The renewal shall be mentioned opposite the first filing. The applicant shall receive the renewal certificate within fifteen days and retrieve at the same time the certificate of the first filing which the applicant submits with his application as per Article (87).

PART FOUR

Chapter One

**Temporary Protection Of Trade Fairs
and Exhibitions Organized in Lebanon
and Abroad - The Awards**

Article (89)

(Amended by Article (12) of the Law of 31 January 1946):

The Inventions subject to certificates, trademarks of factories and trade, drawings and designs may be granted temporary protection in the trade fairs and exhibitions to be organized in Lebanon and abroad in case Lebanon officially organizes or participates in such exhibitions and fairs, provided certain processes or dealings mentioned hereinafter are completed. Besides, the organization by Lebanon of fairs and exhibitions or its Participation therein should be official in order to make this Resolution applicable.

Article (90)

(Amended by Article (12) of Law of 31 January 1946):

In fairs and exhibitions to be organized officially abroad and in which Lebanon officially participates, the person seeking the protection of certain object he display therein, shall submit a handwritten application to the official officer of the government of Lebanon in which he mentions the kind of that thing (an invention subject to certificate, trademark, a drawing or a design etc.), to be necessarily enclosed with a certificate from the commissioner of the fair or exhibition proving that the thing is really displayed.

Article (91)

(Amended by Resolution No. 170, issued on 6 December 1937):

On receiving the above mentioned documents, the officer of the Government of Lebanon shall enter them in a register specified for this purpose, and deliver to the exhibitor a certificate of entry of such documents against the payment of a lump sum of 5 Lebanese Liras. The exhibitor shall be given a three-week period from the date of displaying that thing which he wants to protect, to submit the application for its protections(1) .

Article (92)

(Amended by Article (12) of the Law of 31 January 1946):

At the end of the exhibition, the official officer shall send the private register which was in his possession to the Protection Bureau in Lebanon upon the presentation of the certificate mentioned in Article (91). the person who got temporary protection may change it into final protection within one year starting from the date of closing the fair or exhibition. Then, the beginning of actual protection shall start from the opening date of the fair or exhibition. The applicant for final protection shall submit his application as per provisions of this Resolution in the Articles related to the protection of different rights concerned with commercial and industrial property ...etc.

Article (93)

(Amended by Article (12) of the Law of 31 January 1946):

In the fairs and exhibitions to be officially organized in Lebanon, the processes to be taken by exhibitors to secure temporary protection for their products, after which they may change into final protection if they deem it useful, shall be declared in a special decision to be taken before the opening of such fairs and exhibitions.

Article (94)

(Amended by Article (12) of the Law of 31 January 1946):

Owners of this temporary protection shall have the same rights granted in Lebanon under this Resolution to inventions for which certificates are issued, and the filed trademarks, drawings and designs...etc.

**Chapter Two
Industrial and Commercial Awards**

Article (95)

Any person who wants to use an industrial or commercial award, shall, on mentioning that award, specify its type, and specifically identify the certificate of the exhibition or the official authority which granted it and the exact date on which that award was given.

Article (96)

A person who gets an award in a personal capacity shall alone have the right to benefit therefrom, and may not transfer it to others with his trade. Apart from this, the award granted to products may be transferred with the product, and on assignment of the trade establishment, the assignee may benefit therefrom. Same method shall be applied in case the award is granted to a commercial or industrial establishment. the assignee of the establishment may benefit therewith as it is affiliated and related to the establishment. Whereas the award granted to a person in his capacity as an assistant shall not entitled to benefit therefrom unless the name of the

establishment in which he was working is mentioned.

**PART FIVE
ILLEGAL COMPETITION
Single Chapter**

Article (97)

(1) The following shall be considered illegal competition:

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

Article (98)

(1) (Amended by Article (11) of Resolution No. 84 issued on 30 December 1926):

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

**PART SIX
VIOLATION AND PENALTIES(2)**

**Chapter One
Certificates of the Invention**

Article (99)

(3) (Amended by Article (13) of the Law of 31 January 1946):

Any damage sustained as a result of knowledge of the right of a holder of a certificate, shall be considered a misdemeanor of limitation and the offered shall be punished with a case penalty ranging from 100 to 500 Lebanese Liras.

Article (100)

(1) Ignorance of a certificate which was legally published shall not be taken as an excuse to claim it.

Article (101)

Any person who is a party to a misdemeanor, particularly the seller of the limited thing and the person who hides it, shall be punished with the same penalty with which the wrongdoer of the misdemeanor, himself is penalized.

Article (102)

(2) On repetition of the guilt, the maximum cash penalty in double shall always be decreed with exception that , the guilt repeater may be sentenced with imprisonment from two months up to two years.

Article (103)

Any person who is sentenced under this Resolution for a misdemeanor mentioned therein, whether in his capacity as the original wrongdoer of that misdemeanor or an accomplice therein within the five years period preceding the second sentence shall be considered a guilt repeater.

Article (104)

(1) (Amended by Article (13) of the Law of 31 January 1946):

If the assistant of the certificate owner commits in any capacity whether an employee, or a laborer, a misdemeanor of imitation against the certificate possessor, during or after the period of his assistance to him, he shall imprisoned from three month to three years and with a cash penalty of not less than two hundreds and fifty Lebanese Liras and not more than one thousand Lebanese Liras, or only with one of the two penalties, and his accomplice in the guilt shall be subject to the same penalty.

Chapter Two Trademarks of Factories and Trade

Article (105)

(2) (Amended by Article (12) of Resolution 84 issued on 30 December 1926 and Article (13) of the Law of 31 January 1946):

Any person who refers in one way or the other that a trademark is filed though it is not, and any person who imitated knowingly or uses a filed trademark without being licensed by the owner of the trademark, even if he add to the trademark terms such as brand, type, compound, imitated by, or in imitation of etc...., in a way to cheat the purchaser, any person who puts on his products or on the brands of his trade a trademark belonging to another person, any person who sells knowingly or offers for sale a product on which an imitated trademark or trademark similar to the original trademark is put in a way meant to be fraud and any person who hands over a product other than that requested from him under a certain trademark, shall be punished with a cash penalty ranging from fifty to five hundred Lebanese Liras, and with imprisonment for three years, or only with one of these two penalties.

Article (106)

(1) (Amended by Article (13) of the Law of 31 January 1946):

Any person who makes a trademark which is similar to another trademark with the intention of fraud, but without imitating it only made it in a way to deceive the buyer or uses a trademark which is made similar to another one with the intention of fraud, any person who uses a trademark on which there are instructions of the nature of cheating the buyer regarding the brand of the requested product.

And any person who sells knowingly or offers for sale a product on which there is a trademark similar to another trademark with the purpose of fraud, or instructions having the nature of deceiving the buyer concerning the kind of product, shall be punished with cash penalty ranging from fifty to two hundred and fifty Lebanese Liras and with imprisonment from two months to two years or only with one of these two penalties.

Article (107)

(2) The Courts shall evaluate the copy with the intention of fraud by looking at the copied or imitated thing from the viewpoint of the consumer, and considering the total similarity rather than differences in details between the real trademark and the trademark subject of the claim in question.

Article (108)

(1) (Amended by Article (13) of the Law of 31 January 1946):

Any person who does not stick on his products a trademark he is licensed to stick thereupon,
Any person who sells or offers for sale a product upon which the trademark which should be used for this brand of product, is not stuck,

Any person who portrays trademark symbols violating the provisions of Article (71) of this Resolution,

Any person who violates the provisions of Article (69) of this Resolution, shall be penalized with a cash penalty ranging from fifty to five hundreds Lebanese Liras and with imprisonment from two month to two years, or only with one of these two penalties.

Article (109)

(2) On the repetition of guilt concerning violations penalized under the preceding Article (105) , (106) and (108) punishment shall not be less than the maximum which is specified in these Articles and not more than double the maximum stated therein. In addition, the violator shall be imprisoned for a period of two months to five years. As for repetition of the guilt, it shall be determined according to Article (103) of this Resolution.

Article (110)

(1) Defalcation of the trade name shall be punished with the same penalties mentioned in Articles (105) and (09) of this Resolution.

Chapter Three Industrial Drawings and Design

Article (111)

(2) (Amended by Article (13) of the Law of 31 January 1946):

Any damage inflicted knowingly upon any rights guaranteed under this Resolution to industrial drawings and designs shall be punished with cash penalty ranging from LL 25 to LL 250. In case the violator is assistant, or was assisted in the past, in any capacity, the wronged person shall be punished with imprisonment from two to six months in addition to the above penalty.

Article (112)

(Amended by article (13) of the Law of 31 January 1946):

If the act which necessitates the filing of the claim is related to a pharmaceutical product, the sentenced penalty shall not be less than LL fifty.

Article (113)

(1) (Amended by Article (13) of the Law of 31 January 1946):

If the guilt is repeated, in the sense of repetition as mentioned in Article (103) of this Resolution, the imposed penalty shall not be less than LL 250 and not more than LL 500. In addition, the guilty may be punished with imprisonment from two months to two years.

Article (114)

(2) (Amended by Article (13) of Resolution No. (84) issued on 30 December 1926):
Any act preceding the filing shall not give the wronged party the right to institute a claim generated from this resolution. As for any act which happens after the filing but before publication, the claim resulting from Article (111), however legal, may not be raised by the wronged party unless he proves the bad faith of the accused.

Chapter Four Commercial and Industrial Awards

Article (115)

(1) (Amended by Article (13) of the Law of 31 January 1946):
The Persons who ascribe to themselves by fraud, or claim fictitious awards and openly use them such as fixing it on the commercial signs, goods covers, trade papers and in writing invoices etc..., shall be punished with a cash penalty ranging from LL 5 to LL 250 and with imprisonment from three months to two years or only with one of these two penalties. The penalty shall not be less than LL 50 in case there is no penalty of imprisonment. The same punishment shall be imposed on the persons who try to persuade the public that they are holders of an award while in reality they are not, and persons who violate in any way the provisions of Articles (95) and (96) of this Resolution

Chapter Five Secondary Punishments

Article (116)

Even in case of acquittal, a verdict shall be passed with seizing the things which are damaged or used to effect wrongly the rights guaranteed by this Resolution. Moreover, the court shall, in all cases, order destruction of all the trademarks, symbols, signs and data violating this Resolution.

Article (117)

In case of not fixing a requisite trademark, the court shall order the fixing thereof on the product on which it should be fixed or order the confiscation of the product and its sale for the benefit of the wronged party or for the account of the cash penalty.

Article (118)

Any verdict passed in any misdemeanor provided for in this Resolution, or in any matter concerned with illegal competition shall always necessitate the following as secondary punishments:
1- A sentence with the legal non-competence of the convicted to be elected member in the chambers of commerce, societies, research committees, syndicates, and cooperation companies, and in general for every election assembly.

2- Sticking the verdict in places specified by the court and publishing it in two newspapers, one in Arabic language and the other in French language to be identified by the court issuing the basic verdict.

Article (119)

In case of acquittal in the misdemeanor, the court may order inactivity and damage to the wronged party.

Chapter Six

Stocktaking and Description of the Suspected Things, Taking some of them, Seizing them and Passing Verdict therein the Enforcement of the Provisions of this Resolution

Article (120)

(Included in Article (16) of the Law of 31 January 1946):
The Public Prosecution shall raise the claim of public right, either spontaneously or according to the complaint of the personal plaintiff or the complaint of the Head of the Protection Department.

Article (121)

Whether the wronged party lodges a complaint or not, the public prosecution shall have the right to identify the things, goods, machines and utensils subject to suspicion, stocktaking them in detail and taking them. The Director of the Protection Bureau shall have the same right.

Article (122)

(Supplemented by Article (14) of Resolution No. (84) issued on 30 December 1926):
The persons specified herein below shall have the necessary capacity to identify the suspected things, stocktaking them in detail, and taking samples therefrom as mentioned in Article (121). They are the police commissioners, the railway and ports police commissioners, customs and entrance duties officers, the sworn employees of The Protection Bureau for this purpose, and the sworn officers appointed by the Director of the Bureau for places other than Beirut for this purpose. These Commissioners or officers shall act as per an order or authorization issued from the Public Prosecution or the Director of Protection Bureau. They shall be obliged to inform the Protection Bureau of the violations they witness or see of the provisions of this Resolution. The sworn officers of the Bureau shall have the capacity of judicial seizure officers in all the affairs related to the implementation of this Resolution.

Article (123)

The identification of suspected things, stocktaking them in detail and taking samples therefrom may be effected in the following place: stores, shops, laboratories, factories, vehicles (camions) used in trade, warehouses, slaughterhouses and their ancillaries, sheds, public markets and arrival and departure stations and ports.

Article (124)

(Supplemented by Article (10) of the Law of 31 January 1946):

Taking any section of samples, and every identification or stocktaking thereof, shall be stated and proved in minutes in which necessarily includes:

- 1- Name, title, capacity and domicile of the officer writing the minutes.
- 2- The Authority giving the order and the date of the order given to the officer.
- 3- Date, hour, and venue of the occurrence of this process.
- 4- Name, title, address, nationality, and profession of the person with whom the action or process is taking place.
- 5- In case the process occurs on the road, the minutes shall include the name, domicile and nationality of the persons mentioned in the lists of effects or statements in their capacity as consignors or consignees.
- 6- An abstract of the circumstances in which the action or process took place, and a list of the persons who were present etc....
- 7- Signature of the person with whom the effects or goods are found. In case of his refusal to sign, such a refusal shall be written down.
- 8- Signature of the officer who executed the minutes.

In addition, the owner of the goods shall have the right to mention in the minutes all the instructions, as statements and reservations which he feels use to him.

Article (125)

The officer who writes the minutes is not forced to show the goods possessor the authority given to him before undertaking his mission or task. He may not especially when requested to assure the delivery of a product in place of another product required under a certain filed trademark, drawing or design, show the order goods possessor the order he carries except after receiving the product. The officer may be accompanied by an expert appointed by the authority which issued the authority, provided the expert is mentioned in the authorization .

Article (126)

The officer shall deliver to the goods possessor, in the time he deems suitable a copy of the order under which he discharges his duty. After completing this process, the goods possessor shall take, in addition to this, a copy of the minutes and the inventory list of the goods subject of this process if such a list is prepared separately.

Article (127)

The Legal or Penal Claim shall be filed before the competent court within complete fifteen days, starting from the date of the minutes, otherwise the process undertaken shall be considered null and void. This period shall increase at rate of one day for each distance of fifty thousand meters between the location of process and the domicile of the party against which the claim is filed, or his agent or proxy.

Article (128)

The claim filed within the periods specified in Article (127) shall be referred to the competent court within the jurisdiction of which the domicile of the pursued party is located. In case there is no court in this vicinity, it shall be referred to the court to which the location in which the process is achieved is affiliated. The court shall have the right, upon the request of the complaining party and, before settlement of the claim, to give an order to seize all or part of the effects mentioned in the minutes and the inventory list. It may, in such case order the complainant to pay before the seizure to the Fund of the Protection Bureau a deposit to be specified by the court, with regard to

the value of the effects intended to be seized. The order shall specify the officer appointed to carry on the seizure, and at the best, the officer who wrote the minutes and carried out the initial process of stocktaking of the effects or taking part thereof as provided for in Article (121) shall be selected. The order may also state the location in which the result of the seizure shall be kept and the receiver authorized to keep it.

Article (129)

The person whose effects are seized shall receive copies of the following documents, otherwise the seizure shall be considered null and void:

- 1) Order for the seizure.
- 2) The instrument proving the deposit of the insurance in the Bureau in case deposit of such insurance is requested.
- 3) The list of inventory the seized effects .
- 4) Minutes of the seizure.

Article (130)

The officer who carries out the seizure processes shall write down minutes thereof immediately in two copies, one of which shall be given to the person whose effects are seized. This minutes shall be prepared in the same method explained in detail in Article (124), and attached to the inventory list of the seized effects. The person whose effects are seized shall sign these two instruments. In case he refuses to sign or is unable to sign his, refusal or inability shall be mentioned in the two instruments in the place of signature.

Article (131)

If the seizure or taking of samples or stocktaking etc..., is done by the Protection Bureau, the Bureau shall collect the following fees:

LL 6 for a detailed stocktaking or identification or taking samples.

LL 12 for one seizure in addition to LL 3 to b be paid to the Bureau officer who carries out the seizure(1) .

If the Bureau works on receiving a complaint from the wronged party the latter shall pay the fees which he recovers if the verdict is passed against the Defendant party. In case the Bureau works directly without a complaint, such fees shall be paid by the defendant party if the verdict is not in his favor.

Article (132)

Even in case of acquittal of the defendant party in the Penal Court, the Court may pass verdict ordering the seizure of the suspected effects and goods, and selling them either for the interest of the wronged party or the Bureau.

Article (133)

(Included in Article (3) of Resolution No. (164) issued on 8 December 1938):

Any judicial resolution passed according to the provisions of this Resolution, shall be notified by the court which issued it to the Protection Bureau within at most eight days.

Article (134)

(Canceled by Article (4) of Resolution 164 issued on 8 December 1938):

Article (135)

Starting from the enforcement of this Resolution, all the previous laws, decrees, legislation, and resolutions related to such affairs, shall be canceled, particularly the laws mentioned herein below namely the Ottoman Law issued on 9 March 1880 concerning the inventions susceptible to certificates, the Ottoman Law issued on 11 May 1888, the Ottoman Law issued on 8 October, 1888 concerning trademarks of trade and factories, and the Resolution No. (769) issued on 19 March 1921, concerning the temporary protection of the rights of exhibitors in Beirut Exhibition and the Resolution No. (865) issued on 27 May 1921 for the adoption of the preceding Resolution etc... This listing is not limited to these resolutions but includes others which are canceled by this Resolution.

Article (136)

(Amended by Article (15) of Resolution No. (84) issued on 30 December 1926 and Article (12) of Law of 31 January 1946):

Trademarks of factories or trade, which were filed in Beirut at the time of validity of the provision of the resolution No. (865) as Resolution No. (1136) which are canceled, shall benefit without the need for other procedures from the provisions of this Resolution while keeping their date and rank of entry. Trademarks which are not legally filed as per the text of the above Resolutions shall be considered correctly filed and valid from the date of enforcement of Resolution No. (2385).

**PART SEVEN
WRITING AND ARTISTIC PROPERTY****Chapter One****Article (137)**

The person who invents a literary work or a work of art, shall have the right of absolute possession of this work. However, the right of claiming damage inflicted upon this property shall be subject to the filing of this work before instituting the claim.

Article (138)

This Resolution shall protect all products of the human mind whether writings, paintings sculptures, manuscripts, or verbal. Such listing includes, and is not limited to other things such as books, notebooks, newspapers, periodicals and other written works, musical dramas, musical composition spoken or not, all dancing types, pantomime, paintings and drawings printed on stones, handwritings plans, maps, drawings, paintings and geographical protruding drawings, drawings and illustrations related to constructional, advertisements, painted postal cards, paintings, statues, photographs, cinema, molds, records, discs, punched cardboard for articulated machines, mechanical music instruments and all works of plastic art, of any kind whether specified or not for industry, whatever its merit, importance and purpose is, whatever the material which it is made of, and whatever the nationality of its inventor and the location of its invention.

Article (139)

Translation of works and its adaptation to any art and arrangement thereof and all works taken from the original ones may be protected. This shall not prevent the original inventor from claiming his rights.

Article (140)

Collections of selected pieces or antiquities, each of which is separately considered a public property but are all collected in one compilation having special inventive advantage, transcription by writing or by articulating spoken machines for speeches, lectures and works of professors, and any other verbal works related to intellect and transcription or publication of texts or ancient transcripts kept in public and private offices, all the above items shall also be protected. Such texts and transcripts may be published again by another person without being subject to claim if he has taken them from the original copies.

Article (141)

Stories, news, and novels published in newspapers or in periodicals shall be protected without its owner having the right to prevent their transcription, adaptation or translation. As for other literary, political or scientific articles, if the author does not reserve the right of their transcription, translation or adaptation, then they can be translated, transcribed or translated but in such case it is a must to mention their origin and the name of their inventor. It shall not be possible to copy or translate anything without specifying the origin or the special license, except for daily accidents and news which have only the advantage of being news.

Article (142)

This Resolution shall not protect the official deeds issued by public authorities, the judicial decisions, speeches given in public meetings and debates and councils of representation etc... However, speeches and pleadings etc.. which belong to one certain person, he only shall have the right to compile and publish them in one book.

Article (143)

The right given to the inventor alone immediately after its invention of the work, shall remain during the author's lifetime, and extend after his death for fifty years to those to whom the right shall be transferred thereafter.

Article (144)

If the protected work is the result of participation therein, all the participants in the work shall have equal rights therein, unless there is an agreement contrary thereto. As for the right of heirs of all assistants who died before the other assistants it shall not lapse except after fifty years from the death of the last assistant in the work.

Chapter Two

The Copyright, Extension of This Right and method of Extension

Article (145)

(As amended By Law No. 20/69 dated 69 May 1969):

The author who invents a literary book or a work of work shall solely have the right to publish and republish it in the way he wants. The Author alone or his heirs shall have the right to license its copying as a whole or part thereof, its translation, its acting, or playing before the public, adapting it or converting it if it is a novel, into a play and vice versa, using it in motion pictures, or transforming it into another art, photocopying it if it is a book, transferring it for articulation on mechanical musical machines if the work is musical, all this with maintaining the provisions of Article (142) (the right to publication, translation, adaptation, playing, photographing etc.) and vice versa. Except for the above, the inventor may object to the display of his work to the public if changes had occurred therein without his permission.

Any person who review, examines explains or translates any old intellectual work shall have the same rights of the author, and this right shall last for its owner and his heirs for ten years.

In application of the provisions of the preceding paragraph, any literary or artistic work, for which the period specified in Article (143) of the Resolution No. 2385 dated 17/1/1924 has passed shall be considered an old work.

Article (146)

The inventor's waiver or assignment of any of his rights shall always be limited to this right only. The author who assigns his rights of printing his work, for example, shall reserve the right to raise a claim against imitation, and the right to supervise the printing of his work and objecting to any change effected without his consent. Except for that, he may file a claim in the court to get acknowledgment of his capacity as inventor against all those who alleged for themselves this capacity. The author or his heirs may request the issuance of a court order to withdraw assignment of their rights if they can prove that the assignee has changed, altered, or copied the work which the Inventor or his heirs licensed its publication, translation, dramatization, playing or photographing, in a way which is harmful to the reputation of the inventor.

Article (147)

It shall be considered illegal any acting or playing of an acting or acting-musical or musical work before the public, and any acting of a translated work and reading of a literary work before the public, any adaptation and change in a musical work, any melodizing of a musical work and adaptation thereof to the musical instruments, converting it from one art to another of the same kind or of another kind, such as adaptation of a story, news and novel and changing thereof into play or vice versa, and any change of an acting or literary work into a cinema film...etc. without a license form the inventor or from the person who have the right therein. Such listing shall not be limited only to the above mentioned affairs.

Article (148)

The rights upon which protection as per this resolution shall be the outcome of the inventor whatever his nationality directly after his invention of the work if he is publishing it for the first time and without the need for him to mention specifically the reservation of his rights.

Article (149)

Excerpts and selection taken from literary, artistic or scientific works for inclusion in writing school books, and brief excerpts in criticism and small quotations in an article or in a critical book shall be published without the inventor's permission, with maintaining the provisions stipulated for in

Articles (141) and (142). However, in the above-mentioned situations the origin from which such excerpts are taken shall always be mentioned.

Article (150)

If the work is the result of certain assistance, no one of the assistants or their heirs shall have the right to republish this joint-work, nor playing, acting or translating it without the consent of the other partners or their heirs unless there are agreements to the contrary. In case of any disagreement the Courts shall decide the method of investing and making use of the work.

Article (151)

The author of a collection of poems and composer of its music, each shall have the same rights of the other in this work, unless there is a text to the contrary, whether the work is a musical story or a song. Each of them shall be entitled to invest the whole work separately, but neither of them may, in any way, take a new assistant to work in the joint work.

Article (152)

No changes may occur in the literary or musical work after the death of its author without publishing the complete changed piece in its original form in the same page, and in the same clear letters of the work after its change.

Article (153)

Photographs or photos made by a method similar to photographing, anonymous works which carry pseudonyms, and works printed in the name of artificial or corporate person, and the works published after the death of its owner, shall be subject to protection for the period of fifty years as of the date of its publication.

Article (154)

If the owner of an anonymous work discloses himself before the lapsed of the fifty years, such work shall be protected till the death of the author and also for another period of fifty years after his death.

Article (155)

The Printer of the anonymous work or the work published under an artificial name or the name of corporate person, shall reserve the right of using the rights related to that work as long as the author has not disclosed himself, provided such protection does not exceed the period specified in Article (153).

Article (156)

A work shall be considered as published if it appears printed. As for displaying the work of art, acting the narrative work, playing and listening to the musical work, and constructing the engineering work, all this shall not be considered publication.

Article (157)

Literary and artistic property shall be considered transferable right to be transferred and assigned in accordance with the rules of civil rights. Such right can not be seized.

Chapter Three Filing

Article (158)

(Supplemented by Resolution No. (526) issued on 22 September 1926):
Invention of the work shall create, without the least dealing, the right of literary and artistic property, but the use of such right shall be subject to the filing procedure. Filing shall make the claim sued by the wronged inventor, the printer of his work, or those who have rights therein, acceptable in Courts of Justice. The filing may be effected before or after the event causing the submission of claim. Despite the preceding provisions, enjoying the right of literary and artistic property and using it by the authors who belong to one of the countries of the union, and in all the territories under mandate, shall be exempted from any preliminary dealing, as per the provision of Article (4) of the amended Bern Treaty. The Claim raised by the wronged author, the publisher or his successors shall be accepted in all cases.

Article (159)

Any person who wants to deposit a work he invented or who has the right of the inventor therein, shall apply in writing to the Director of the Protection Bureau, mentioning the following data in his application, otherwise it shall be considered null and void:

- 1- Title and type of the work.
- 2- Name, capacity and address of the inventor.
- 3- If the filing is not done by the inventor personally, then all the data related to the depositor shall be mentioned as will therein.
- 4- The deed with which the depositor works in case the depositor is not the inventor (assignment deed, or printing contract etc....).
- 5- If necessary, the name and address of the person who is authorized to effect the material achievement of the work (the printer, the pourer ..etc).

Article (160)

The filing application shall be accompanied with a copy or a resume of the deed by the power of which filing is effected, in case the applicant is not the inventor himself (the power of attorney(1), the assignment deed or the contract etc...). If the question is related to a literary or artistic work that can be transferred, the application shall be accompanied by three copies of the work. As for paintings, statues, engineering works and antiquities each of which is in one original only, photos, whether photographic or otherwise, shall replace the above mentioned copies, in three shapes to give the appearance of the work in full and in detail. Regarding cinematography works and those related to dancing and pantomime, the application shall be accompanied with three copies of a notebook containing summary of the subject, photographs of scenes, roles, and most remarkable persons in the work. This notebook shall be separate from the musical work which may be included in the cinematography. However, the musical work shall be filed separately.

Article (161)

(Amended by Article (13) of Law of 31 January 1946):

The application which is accompanied by the fee value as specified herein below for each type of work, shall be registered in the Protection Bureau and a certificate shall be given or sent to the owner which contains the data shown in the application enclosed with a copy of the three copies or notebooks. The certificate shall be dated, stamped, and signed by the Bureau Director. This first certificate shall be given free, and each copy thereof shall be issued after paying the fee of LL one to the Bureau.

Article (162)

(Amended by Resolution No. (170) issued on 6 December 1937):

The filing application shall not be accepted in any way unless it is accompanied by the value of the fee specified therefor as explained (1) .

Lebanese Liras

Filing a printed work without pictures, and a musical composition with or without speech, but not composed for acting. 8

Filing a printed work with pictures (books, artistic pamphlets periodical or not, Luxurious Collection etc.) 10

Filing a literary or musical work designated for acting (a comedy, tragedy, musical opera, dancing music or pantomime) 12

Filing a cinema film 15

Filing a daily newspaper, issue by issue 50

Filing a daily newspaper for a whole year 30

Filing a weekly, monthly or quarterly magazine, issue by issue 1

Filing a weekly, monthly or quarterly magazine for a whole year 15

Filing an engraved painting, postal card drawing or a photograph ...etc. 3

Filing apparatuses to operate the articulating machines and mechanical musical machines (phonograph discs, punched cardboard etc..) 5

Filing a painting, engineering or sculptured work 9

Article (163)

Every assignment shall be in writing otherwise it shall be considered null and void. If the assigned work has been previously filed, the assignee shall send to the Director of the Protection Bureau within the period of complete fifteen days from the date of signing the assignment deed, a copy of that deed. If the inventor of the work dies, his heirs shall inform the Bureau with the transfer of rights to them within a period of fifteen days as of the date of issuance of a verdict with transfer of the legacy to the heirs.

Article (164)

The inventor of any printed or inscribed work may assign all or part of his rights in that work or to any person whether printing contractor, inscriber or others, whatever the nationality of the inventor or of the assignee. Then the assignee shall substitute and replace the inventor and the persons who have rights from him and his heirs. The assignees, owners of rights and the heirs of the inventor shall enjoy the same rights.

Article (165)

In case transfer of right is vested to the state by means of inheritance, the personal right shall

vanish. However, this shall not prevent rights assigned by the inventor or by those who have rights therefrom.

Article (166)

This Resolution shall be applied to all the works which, as per the laws of their original countries, have not been included in the public right at the time this Resolution came into force.

Article (167)

The writings which are printed in the name or interest of the state, municipalities or scientific societies etc..., shall be protected with observing the provisions of Article (142) of this Resolution for a period of fifty years as of the date of its publication. As for periodical writings which are printed in successive editions, the fifty year period shall start from the date of printing each of them.

Article (168)

In case there are no heirs, persons having rights in the work, or a person appointed by the inventor specifically for this purpose, the Director of the Protection Bureau shall have the right to reserve these special rights which are admitted and recognized to the inventor as per Article (145) (at its end) and Article (146) of this Resolution. No person shall be allowed to effect any change whatsoever in a work whose owner has died, whether it became public property or not, unless the charged paragraph is written at the same time in its original text. Moreover, no one may abridge or summarize extracts of a literary or musical work without referring clearly and sufficiently to the importance of the neglected parts.

Chapter Four Violations, Penalties and Principals of Dealings(1)

Article (169)

(2) (Amended by Article (13) of Law of 31 January 1946):

Whether the question is or is not related to works which became public property, any person who commits one of the offenses mentioned herein under shall be punished with imprisonment from three months to three years and with cash penalty ranging from LL 50 to LL 500, or with one only of these two penalties:

- 1- Who puts or authorizes someone to put a different name on a literary or artistic work with the intention of fraud.
- 2- Who imitates with the intention of fraud and deception of purchaser, the signature of the inventor or the signs or initials he uses.
- 3- Who imitates a literary or artistic work.
- 4- Who sells knowingly, keeps to himself, offers for sale or delivers an imitated work or a work signed in a false name.

Article (170)

All the other violations to this Resolution shall be punished with a cash penalty ranging from LL 25 to LL 250 and with imprisonment from one month to one year, or with one only of these two penalties.

Article (171)

(1) Repetition of guilt, as specified in Article (1030), shall always necessitate a verdict with imprisonment from one year to five years and with a cash penalty of not less than LL 50 and not more than LL 1000.

Article (172)

(1) Even in case of acquittal of the accused in the Penal Court, the court may decide loss and damage for the wronged party either in cash money or by ordering to give him the seized effects and materials as per Article (174) herein under or with both methods together.

Article (173)

The verdict issued in one of these claims, punishable under this chapter, shall always necessitate the application of the secondary punishments provided for in Article (118) concerning violations in the commercial and industrial property rights. In case one of the two parties represents a daily newspaper, the verdict issued in favor of or against one party shall always be published in that newspaper or magazine apart from publishing it twice as ordered in the aforementioned Article (118).

Article (174)

Even in case of acquittal of the accused, the court may order the seizure of effects against which the claim is filed, and the machines and accessories particularly designated for making copying or publishing them etc. The outcome of this seizure may be destroyed or sold as being loss or damage to the wronged party or for the interest of the Protection Bureau. In case of filing a claim regarding the acting or playing of a certain work before the public, and the work is under protection under this Resolution, the court may order the seizure of revenues accrued from such acting and distributing them as specified in the preceding paragraph, even in case of acquittal in the Penal Court.

Article (175)

The Director of the Protection Bureau may prove the occurrence of the violations mentioned in this chapter by means of the same method specified in Article (121) and (128) of this Resolution. Concerning misdemeanors related to commercial and industrial property rights. The Bureau shall charge in these circumstances the same fees as mentioned therein.

Article (176)

As regards violations subject to the penalties mentioned in Article (169) of this Resolution, a claim may be filed therein directly by the public prosecution or upon the request of the wronged party or the Director of the Protection Bureau. As for the damages inflicted upon the works which became public property, a claim therein may be filed by the Public Prosecution directly and upon complaint lodged by the Director of the Protection Bureau. As for all other remaining violations in this chapter, claims may be filed therein upon a complaint lodged by the complainant.

Article (177)

Notification issued by the legal court shall replace the complaint. Once procedures start, the personal waiver of the plaintiff shall be of no effect on the course of the public claim.

Article (178)

The competent court shall be the court of the domicile of the defendant. In case there is no court there, then the Court in whose jurisdiction the violation has occurred. Time limits specified in Articles (127) and (128) for the pursuit of claims of imitation offense and misdemeanors related to commercial and industrial protection rights shall be applied in claims filed for damages inflicted upon works protected under this chapter.

Article (179)

(Included in Article (5) of Resolution 164 issued on 8 December 1938):
Any judicial resolution issued under this chapter, the court issuing it shall notify it to the Director of the Protection Bureau within eight days at most.

Article (180)

The imitated works coming from abroad shall be prohibited to enter the country, or even to pass through it or be stored therein. They shall be seized in any place no matter where they are found.

Article (181)

This Resolution shall supersede all previous legal provisions in this sense, particularly the Ottoman Law issued on 11 September 1872 concerning excellent writing, and the Law of Printing Houses issued on 10 January 1888, concerning provisions therein which are contrary to this Resolution.

Article (182)

(Amended by Articles (11,14 and 15) of the Law of 31 January 1946):
This Resolution shall be enforced in Lebanon without prejudice to the provisions of the existing and the future international conventions, as of the date of its publication in the official gazette.

Article (183)

(Included in Article (16) of the Resolution 84 issued on 30 December 1926, and amended by Resolution No. (170) issued on 7 December 1937):
The issuance of a second copy or certificate by the Bureau shall require the payment of a fee of LL 2(1). The Secretary General in the High Commissariat of the Great Governor of the State Lebanon and the State of Alawis, the representatives of the High Commissioner to the Syrian Union, and the States of Damascus, Jebel El Druzes, and Aleppo, and the independent region of Alexandria, heads of courts of appeal and the financial, legislative, and judicial advisors in the High Commissariat, the General Inspector of Customs in Syria and Lebanon, the Director of the Bureau of Protection of Commercial, industrial, literary and artistic property in Syria and Lebanon, the police commissioners and officers of discipline and order shall be authorized, each in his field of interest, to enforce this Resolution.

Beirut
17 January 1924
General High Commissioner, Wegan

RESOLUTION NO. (170), ISSUED ON 6 DECEMBER 1937
CONCERNING DETERMINATION OF THE TARIFF OF FEES, TOLLS AND REVENUES OF
THE BUREAU OF PROTECTION OF COMMERCIAL INDUSTRIAL PROPERTY(1)

The High Commissioner of the Republic of France, pursuant to the two Decrees of the President of the Republic of France issued on 23 November 1920 and 16 July 1933,

Pursuant to the two Resolutions Nos. 2385 dated 17 January 1924 and 84 dated 30 January 1926 respectively concerning the protection of commercial, industrial, artistic, literary and musical property.

Pursuant to the Resolution No. (96) issued on 30 January 1926 concerning the drafting of the statutes of anonymous companies and foreign securities companies.

Pursuant to the Resolution No. (287) L.R. issued on 19 December 1936 concerning determination of the tariff of fees, tolls, and revenues of the Protection Bureau of commercial and industrial property.

He decided the following:

Article (1)

The tariff of fees, tolls and revenues of the Protection Bureau of Commercial, industrial, artistic, literary and musical property, shall be determined as follow, starting from 1st. of January 1938 is Syria and Lebanon:

1) Certificate of Patents of Inventions

A- Annual Installments

LL.

- Installment of the first year 10
- Installment of the second year 12
- Installment of the third year 14
- Installment of the fourth year 16
- Installment of the fifth year 18
- Installment of the sixth year 20
- Installment of the seventh year 22
- Installment of the eighth year 24
- Installment of the ninth year 26
- Installment of the tenth year 28
- Installment of the eleven year 30
- Installment of the twelfth year 32
- Installment of the thirteenth year 34
- Installment of the fourteenth year 36
- Installment of the fifteenth year 38

A discount of 5% shall be granted in case of payment of 5 installments at one time, and 7% for payment of 10 installments, and 10% for the payment of all the 15 installments in one payment.

B) Fees for giving a copy of the filing certificates and their minutes.

LL.

Fee for giving a copy of the minutes of filing a certificate of patent of invention. 2

Fee for a copy of the certificate of invention 3

C) Additional certificates of inventions

LL

Installment of the first year 6

Installment of the second year 8

Installment of the third year 10

Installment of the fourth year 12

Installment of the fifth year 14

Installment of the sixth year 16

Installment of the seventh year 18

Installment of the eighth year 20

Installment of the ninth year 22

Installment of the tenth year 24

Installment of the eleven year 26

Installment of the twelfth year 28

Installment of the thirteenth year 30

Installment of the fourteenth year 32

Installment of the fifteenth year 34

D) Fees for giving a copy of additional certificates and filing minutes:

LL.

Fees for a copy of minutes of filing additional certificate 2

Fee for a copy of the additional certificate 3

E) Transfer, sale and seizure of certificates of inventions and the additional certificates.

LL..

Registration of sale or transfer 5

A copy of sale registration, hachuring sale, or a certificate proving that such sale or hachuring is not existing concerning a specific certificate of invention. 2

F) Delay Penalty for failure to pay the fees:

LL..

In case of delay in the payment of one of the annual installment a penalty in the sum of LL 3 shall be imposed on the holder of the invention certificate 3

(2) Drawings and Designs

LL..

A) Registration Fees:

For each application for registration of drawings or designs, the number of which ranges between 1-100 drawings a lump sum of 12

Above this number and for every hundred or fraction of hundred 6

Any more drawing or design to be filed with the first 100 0.50

If in the division of the second 100 0.30

If in the division of the third 100 and after that 0.20

B) Advertisement of Drawings or Designs or Keeping their Filing Confidential:

LL..

1) For Advertisement request at any time within the first five years of filing, a lump sum of 12

Added to the above, for each drawing or design, a fee fixed as follows:

a- For the first fifty 0.01

b- More than fifty 0.50

2) Request of advertisement or for keeping the filing confidential at the end of the five years following the first filing.

LL..

C) Extension of Filing:

For another 25 years, a lump of sum of 18

Added to which, for each design 6

D) Photographs:

LL..

For each photo of a filed drawing or design (photographing expense at the account of the applicant) 2

3) Trademarks of Factories

1- Registration Fees

LL..

A) Personal Trademarks:

- For 15 years 15
- For 30 years 30
- For 45 years 45
- For 60 years 60
- Renewal of filing every 15 years 15

B) Joint-trademarks:

- For 40 years 15
- For 60 years 30
- For 45 years 80
- For 60 years 100
- Renewed filings every 15 years 40

C) Transfer of factory trademark ownership :

- Registration of transfer 5
- Fine for delay in registration of each 2 months 3
- For other copies or certificates from the Protection Bureau 2

4) Temporary protection for invention certificates, drawings and designs and factory trademarks in Public fairs and exhibitions.

- A fee for giving a registration certificate to the exhibitor 5

5) Protection of Literary and Artistic Property

A- Fees: LL..

- Filing a printed work without photos, and a piece of music with or without speech, but not prepared to be performed on theater. 8

- Filing a printed work that includes photos (books, periodical or non-periodical artistic pamphlets, indexes, luxuriously printed catalogues) etc... 10

- Filing a literary or musical work prepared to be acted on theater (comedy, tragedy, opera, dancing music or pantomime etc...) 12

- Filing a cinema film 15
- Filing a daily bulletin for one issue 0.50
- Filing a daily bulletin for one year 30

- Filing a weekly, monthly or quarterly bulletin etc..
for one issue. 1

- Filing a weekly, monthly or quarterly bulletin ...etc
for one year. 15

- Filing a picture, painting, map, postal card or a photo. 3

- Filing a phonograph disc, or punched cardboard etc..
for articulating machines and mechanical musical
instruments. 5

- Filing painting, sculptured or structural work etc... 9

B) Giving a copy of an invention certificate or of an imperative paragraph :
LL..

- Giving a copy of the filing certificate of a literary or
artistic work. 2

- Giving a paragraph from a verdict issued regarding
authors copyrights . 5

6) Examination, Sample-taking and seizure for the protection of Commercial, Industrial, Artistic,
Literary and Musical Property.

LL..

- Detailed description and taking samples 6
- For seizure 12

- To be added to the above two fees a special fee for writing
minutes of seizure. 3

This fee shall be paid to the officer of the Bureau of Property Protection who carried out any of
the above mentioned processes.

7) Violation and Penalties:

The cash penalties provided for in Resolution No. 2385 dated 17 January 1924 related to the
certificates of inventions, drawings and designs, commercial factory trademarks and the artistic
and literary property and commercial and industrial awards shall remain fixed as per the rates
provided for in the above mentioned Resolution.

8) Anonymous Companies and Foreign Securities Companies:

Article (1)

The Fees, warranties, and cash penalties provided for in Resolution No. (96) dated 30 January
1926 and Resolution No. (109) dated 22 July 1937 shall remain without amendment.

Article (2)

All provisions contrary to the provisions of this Resolution, particularly provisions of the Resolution issued on 19 December 1936, shall be canceled as of the beginning of 1 January 1938.

Article (3)

The Secretary General in the High Commissariat and Director of The Protection Bureau of Commercial, industrial, artistic, literary and musical property in Syria and Lebanon shall be authorized, each in his field, to enforce and implement this Resolution.

Beirut, 6 December 1937

The High Commissioner

Signed : D. De Martel

Resolution No. 177, issued on 23/3/1942 concerning the increase of Duties and Fees Due to the Bureau of Protection of Commercial and Industrial Property. provided for in Resolution No. 70.

Article (1)

The tariff of fees, tolls and revenues of the Bureau of Protection of Commercial, industrial, artistic, literary and musical property, provided for in Resolution No. (170) L.R. dated 16 December 1937, shall be increased at a rate of 50%.

Article (2)

Cash penalties provided for in Resolution No. (2385) dated 17 January 1924 concerning certificates of inventions, drawings and designs, trade and factory trademarks and the artistic and literary property, and commercial and industrial awards shall remain fixed as per the rates provided for in the above mentioned Resolution.

Article (3)

Fees provided for in Resolution No. (96) issued on 30 January 1926 concerning the organization of foreign joint stock companies shall be increased with 50%.

Article (4)

Warranties and fines provided for in Resolutions No. (96) dated January 1926 and No. (109) dated 21 July 1927, concerning foreign joint stock companies and securities, saving and blocked Securities Companies shall remain as they are fixed in the above mentioned two resolutions.

ABSTRACT OF THE PROVISION OF THE PENAL CODE - PART 11

Chapter (6)

Imitation

**Part (1) - Imitation of Marks And Labels
of Identification In Industry and Trade**

Article (701)

They shall be considered marks and labels of identification for industry or trade in the meaning intended in this part are all the names written in a way which distinguishes them from others, titles and symbols, stamps, seals, letters and tokens, protruding drawings, paintings and figures, in total any sign which aims, in the benefit of the consumer and employer or merchant, at showing the identity of certain and its origin, the essence of an industrial, commercial or agricultural product, or products of forests and mines, if such marks are registered and published as per the applicable laws.

Article (702)

Whoever takes the initiative knowingly:

To imitate a mark or label of identification which belongs to others, even if he adds any other terms thereto such as a similar, akin, a brand, a kind or a description,

To put a mark which belongs to others, as an imitation on his commercial product or commodity, To put on a product's sale an exerted or imitated mark and offers it for sale.

If his action leads to the deception of the buyer, he shall be punished with fine from LL 50 to LL 500 and with imprisonment with labour from 3 months to three years, or with one of these two penalties.

Article (703)

Whoever makes a mark similar to another with the intention of fraud, without imitating, and whoever uses such a mark or sells or offers for sale a product on which he puts the mark if his action deceives the buyer, he shall punished with fine from LL 50 to LL 250 and with imprisonment with labour from two months to two years or with one of these two penalties.

Article (704)

The persons who sell, offer for sale or use an imitated or copied mark with the intention of fraud, may alone justify their acts with the pretext ignorance of the registration of such mark if they had not committed the act in complicity with those who imitated or copied it.

Article (705)

The penalty provided for in Article (703) shall be imposed on whoever portrays on the mark a national or foreign symbol, or words, pictures, tokens, or exciting symbols or violating the public order or discipline.

The judge may order the seizure of the mark pursuant to Article (98) even if the pursuit is not coupled with a sentence.

Article (706)

The same punishment shall be decreed against whomsoever does not put the mark or label of identification which should be put according to law, systems and regulations.

Or whoever sells, offers to sell a product which does not carry the mark or label of identification which should be put, and the court shall order the putting of the mentioned mark in implementation of the provisions of Article (130).

Part (2) - Certificates of Invention

Article (707)

Whoever deliberately inflicts a damage upon rights derived from a certificate of invention granted and published according to the applicable laws, shall be punished with a fine from LL 100 to LL 500.

Article (708)

Whoever helps in any capacity whatsoever the holder of the certificate, and started during or after his assistance to engaged, as a principal doer instigator or interfere in the commission of the offence provided for in the preceding article, shall be punished with imprisonment with labour for a period from three months to three years and with a fine of LL 200 to LL 1000, or with one of these two penalties.

Article (709)

The imitator, his instigator and accomplices may not use as an excuse of their ignorant of the registration of the certificate. As for the persons who commit the offence of selling, offering for sale or hiding the imitated products or using them may make an excuse of their wrong deeds in accordance with the general rule provided for in Article (224).

Part (3) - Industrial Drawing and Designs

Article (710)

Whoever inflicts knowingly, a damage upon industrial drawings and designs registered and published as per rules and principles and guaranteed by applicable laws, shall be punished with a fine of LL 25 to LL 250.

Article (711)

In case the offender is an assistant, had assisted in the past in any capacity whatsoever, the wronged person, he shall be punished, in addition to the fine, with imprisonment with labour for a period from two months to two years.

Article (712)

Whoever proves his ignorance of the registration shall be exempted from the penalty.
Provisions including the preceding parts

Article (713)

In case the mark or label of identification, the certificate of invention or industrial drawing or designs which are legally registered, have not been published at the time of the commission of

the act, the doer shall deserve the penalty in case it is proved that he knows or had knowledge of the registration.

Part (4) - Fraudulent Competition

Article (714)

Whoever engages by fraudulent means or false pretension, or by hinting with ill intention to the attraction of the customers of others to himself, shall be punished, upon the complaint of the wronged, with a fine from LL 50 to LL 500. Punishment shall include any attempt at committing that offence.

Part (5) - Investment of the Trade Name

Article (715)

The Trade name is the quality ascribed to :

- 1- Every name of a dealer, factory, owner, farmer, or investor, in case it has not become the necessary and only title of a product.
- 2- Every commercial title which has no sexual character.
- 3- Pseudonym with which the dealer, factory owner, farmer or investor is named.
- 4- The distinguishing name taken by a group of the people mentioned above even though it does not constitute an organization of legal identity.

Article (716)

The penalty stipulated for in Article (703) shall be imposed upon whoever extorts the others' trade name either by putting it in any form on the natural or fabricated products or their ancillaries or on covers or tokens.

Or by declaring it in pamphlets, advertisements, invoices, letters or the like.

Even if the extorted name is slightly changed or attached to a name which is not a name of its owner or any other phrase that affects the distinguished name and causes confusion.

Punishment includes any attempt at the commission of that offense.

Article (717)

Evil intent in extorting a trade name shall be assumed till the contrary is proved.

Party (6) Industrial and Commercial Awards

Article (718)

Shall be punished with fine from LL 10 to LL 250 and with imprisonment from three months to two years or with one of these two penalties, provided the fine is not less than LL 50 if the penalty is not liberty inhibiting:

Whoever ascribes to himself with the fraud intention real or fictitious industrial or commercial

awards and openly uses by putting it on trade items, goods cover or commercial papers or by writing it on items.

And also whoever tries to delude the public that he carries commercial or industrial awards.

Article (719)

The fine provided for in the preceding article shall be imposed upon whoever uses an industrial or commercial award without accurately specifying the name of the exhibition or the authority which granted it, and the exact date on which it was given.

And on whoever uses a commercial or industrial award in the capacity of previously being an assistant without showing the name of the establishment which hired him.

Comprehensive Provisions

Article (720)

Courts shall evaluate imitation and copying by looking at them from the point of view of the consumer or the buyer, and by consideration of total likeness more than consideration of partial differences.

Article (721)

In case any of the misdemeanors mentioned in this chapter is decided, deprivation of the rights specified in paragraph (4) of Article (65) shall be effected, and the verdict shall be published and stuck as per provisions of article (67) and (68).

On repetition of the offenses, the Court may pass its order to prevent the offender from practicing the trade or industry through which the offense is committed.

Chapter (7)

Literary and Artistic Property

Part (1) - General Provisions

Article (722)

Any intellectual production whatever its value shall be considered a literary or artistic work in the meaning intended in this chapter and whether it is one of the following:

Written such as books, notebooks and newspapers.

Verbal such as speeches and lectures.

Vocal such as music.

By motion such as dancing and pantomime.

Or industrial such as building, sculpture, drawing, engravings, cinema and photography.

Article (723)

On application of the provisions mentioned in this chapter the following shall be considered as literary or artistic works:

- Translation, adaptation, revision and copying, provided they do not affect the rights of the creator of the original work.

- Collections of selected pieces, and collections of works, the compilation of which in one work shall give them a special character.

- Copy speeches, lectures and lessons of professors, and any verbal expressions of intellect whether by writing or by articulating machines.

- Copy texts of old transcripts (1) and publishing them, with reserving the right of any person who directly publishes or copies them.

Article (724)

Literary, political and scientific articles other than stories, names, and novels of the issue which are published in newspapers and magazines, and their copying, translation and adaptation is not prevented, may be copied and adapted provided that their origin and the name of their author is mentioned.

As for different events and daily news which have only the ordinary news character, they may be copied and translated without permit and without mentioning their origin.

Article (725)

(Amended by the Law of 5 February 1948) : provisions of this chapter shall not apply to:

- Adaptation from a literary, artistic or scientific work for the composition of school books, analysis, quotation in an article or essay, or a critical book, provided the source is mentioned.
- The official documents issued by certain authority, and the judicial decisions, pleadings and speeches given in public societies, rallies and official councils.

However the rights of compiling speeches and pleadings of one author in one publication shall be attributed to that author alone.

Part (2) - Penalties

Article (726)

The following persons shall be punished with imprisonment from three months to two years and with fine from LL 50 to LL 500:

- 1- Whoever puts extorted names on a literary or artistic work with the intention of fraud.
- 2- Whoever imitates the signature of the author or the sign he uses with the intention of deceiving the buyer or to collect illegal profit.

Article (727)

the same penalty shall be decided against whoever imitates a literary or artistic work whether it became public property or not.

Article (728)

The following offenders shall be punished with fine from LL 25 to LL 250 and with imprisonment up to one year for committing an act that may affect the rights of literary and artistic property secured by laws and treaties:

- By printing or copying.
- By translation, revision summarization or enlargement and elaboration.
- By adaptation or transfer to another art.
- By acting, playing, recitation, or delivering to the public.



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Article (729)

Provisions of Articles (720) and (721) shall apply on the above mentioned offences.