

**UNESCO**  
**WORLD ANTI PIRACY OBSERVATORY**

**LEBANON**

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<b>I. LEGISLATION.....</b>	<b>3</b>
1. Copyright laws .....	3
2. Other laws.....	3
3. Latest developments and perspectives.....	3
4. Summary of legislation .....	4
5. International treaties.....	9
<b>II. MEASURES AND REMEDIES .....</b>	<b>10</b>
1. Copyright infringement .....	10
2. Remedies to protect copyright holders.....	10
3. Provisional measures.....	11
4. Penalties for copyright infringement .....	12
5. Requirements for foreign persons.....	13
<b>III. ENFORCEMENT .....</b>	<b>14</b>
1. Enforcement authorities.....	14
2. Enforcement at the border .....	15
<b>IV. PUBLIC AWARENESS.....</b>	<b>16</b>
1. Awareness campaigns and actions .....	16
2. Promotion of legal exploitation .....	16
3. Associations and organizations with awareness-raising purpose .....	17
4. Best practices .....	18
<b>V. CAPACITY-BUILDING .....</b>	<b>19</b>
1. Training.....	19
2. Establishment of specialized units and intersectoral groups.....	19

3.	Best practices .....	19
VI.	OTHER.....	19
1.	TPM/DRM .....	19
2.	Licensing Schemes .....	20
3.	Optical Discs .....	20
4.	Hotlines .....	20
5.	Relevant contacts and links .....	20

## I. Legislation

### 1. Copyright laws

Copyright is protected in Lebanon through international Agreements, law on the [Protection of Literary and Artistic Property No. 75/ 99](#) (the copyright law) and other legislation related to enforcement of copyright or affecting copyright protection.

The copyright law was enacted on 3 April, 1999 and published in the official gazette No 18/ 99 on 13 April, 1999. It entered into force on June 14, 1999.

A decision implementing Article 25 of the Law on reproduction of computer programs by non lucrative institutions was adopted on 1 July, 2002 (Ministerial Decision No. 16/2002[see [Decree 16-1](#) and [Decree 16-2](#)] and [Lebanon Copyright Implementing Decision No 16](#). In November 2007, the Council of Ministers issued [Decree No. 918/ 2007](#) implementing Article 66 of the Law on “Regulating the mode of establishment and functioning of collective management associations and companies and the manner in which the Lebanese Government shall control their activities and examine violations”. The Decree was published in the official gazette on 15 November 2007 and entered into force on the same date. These are the only implementing regulations required for the implementation of the Law.

The Copyright Law No. 75/99 abolished all previous legislation related to copyright and neighboring rights.

International agreements to which Lebanon is a party supersede Lebanese Laws.

### 2. Other laws

- Criminal Law No. 340 of 1/3/1943 as amended by the Law No. 513/96 and the law No. 75/99.
- Law on Civil Procedures No. 90 of 16/9/1983 as amended by the Law No. 2/ 85, Law No. 20/ 85 and Law No. 529/ 96.
- Law on Criminal Procedures No. 328 of 7/8/2001 as amended by the Law No. 359 of 16/8/2001.
- Law on Obligations and Contracts.
- Law on Customs No. 4461/2000.
- Law on Judicial Fees.
- Law on Consumer Protection No. 659/2005 dated 4/2/2005

### 3. Latest developments and perspectives

The Copyright law is being reviewed for the following reasons:

- Drafting new provisions on copyrights aiming at adapting the copyright law to the electronic environment.
- Incorporating in the law provisions of the Appendix to the Berne Convention.
- Redrafting the provisions on “Exceptions” for more compatibility with Berne language including Article 25 of the law.

#### 4. Summary of legislation

- *Works protected by copyright*

Copyright applies to all productions of the human mind, whether written, photographic, sculptured, handwritten, or oral, regardless of their value, importance, aim, or manner or form of expression (Article 2, 3 and 4 of the law on the Protection of Literary and Artistic Property). This includes books, printed material and other literary, scientific and artistic writings; lectures, oral works; audiovisual works and photographs; musical compositions; dramatic works; choreographic works and pantomimes; drawings, sculpture, engraving, illustrations and drawings related to architecture; computer programs whatever their language and including preliminary work; maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science; plastic art works; etc.

Copyright also applies to the following derivative works provided they do not prejudice to the rights in the original work:

- Translations, adaptations and arrangements of music.
- Collection of literary or artistic works and compilation of data provided that the selection and arrangement of their contents constitute intellectual creations.
- Works inspired by folklore.

- *Exclusive rights of the authors and of the owners of neighbouring rights*

Copyright holders have the exclusive right to exploit the work commercially, i.e. they have the exclusive right to authorize and prevent the reproduction, recording, adaptation, translation, selling and renting, importation of copies of the work manufactured abroad, performance, broadcast, and communication of a work (Article 15 of the Law on the Protection of Literary and Artistic Property).

In addition to the economic rights listed above, authors enjoy moral rights which remain with them even after they have assigned their economic rights, i.e. the right to disclose the work; to claim authorship; to use a pseudonym or remain anonymous; to object to any distortion, modification or any other derogatory action in relation to the work that would be prejudicial to their honor or reputation; and to withdraw the work from the market, provided third parties are compensated for the damages resulting thereof (Articles 21 and 22 of the Law on the Protection of Literary and Artistic Property).

Related/ Neighboring rights are protected under Articles 35 to 48 of the Law on the Protection of Literary and Artistic Property. These rights are the rights of performing artists in their performances; producers of sound recordings (phonograms) in their recordings; radio and television broadcasting organizations in their radio and television programs; and publishing houses in their published written or printed works.

Performers have the right to authorize or prohibit others from broadcasting or communicating to the public their unfixed performance unless the broadcasting or communication is a rebroadcast of a previously authorized broadcast; fixing or recording their unfixed performance on any tangible material; and copying, selling or renting any recordings containing an unauthorized fixation of their performance (Article 39). Radio and television broadcasting organizations have the right to authorize or prohibit others from re-broadcasting their programs by whatever means; showing their television programs in places where entrance is permitted upon payment of an entrance fee; recording their programs on tangible material for commercial purposes; and copying

unauthorized recordings of their radio and television programs (Article 42). Producers of sound recordings have the right to authorize or prohibit others from reproducing directly or indirectly their phonograms, and renting them for commercial purposes” (Article 43). Publishers of written or printed works have the right to authorize or prohibit others from copying such works by means of photocopying or commercial exploitation (Article 45).

Producers, who are authorized by the performers to undertake the first fixation of an audiovisual work on any tangible matter, have the exclusive right to copy, distribute, sell and rent the audiovisual work they have produced and communicate it to the public (Article 41).

Performers enjoy also moral rights which remain with them during their lifetime and pass to their heirs after their death. These rights are the right to claim authorship of, and to object to any alteration or modification of, their performance (Article 44).

- *Allowed use of a work without the permission of the owner of the copyright*

Limitations to exclusive rights are provided in Articles 23 to 34 of the Law on the Protection of Literary and Artistic Property and include copying for personal use (Articles 23 and 24); copying of a limited number of computer software by non-profit educational institutions, universities and public libraries for the purpose of lending them to students (Article 25.1 and Decree No. 16/2002 [[Decree 16-1](#) and [Decree 16-2](#) and [Lebanon Copyright Implementing Decision No 16](#)]); use for critical or educational purposes (Articles 25.2 and 26); use in judicial or administrative procedures (Article 29); use during official ceremonies or educational activities (Article 33) and use for purposes such as archive, research, criticism, review, advertisement or news reporting (Articles 27, 28, 30, 31 and 34).

The aforementioned limitations apply also to neighboring rights (Article 47 of the Law on the Protection of Literary and Artistic Property).

Excluded from copyright protection are daily news; legislative materials, decisions issued by all State authorities and official translations thereof; Judicial decisions of all kinds and official translations thereof; public speeches; ideas, information, data and abstract scientific facts; and artistic folkloric works, are excluded from copyright protection (Article 4 of the Law on the Protection of Literary and Artistic Property).

Compulsory licenses for copyrighted works are not allowed under the Copyright Law. However, new amendments to the law will incorporate such licenses in particular those listed in the Appendix to the Berne Convention.

- *Ownership of Copyright*

The owner of the copyright is the creator (the author) of the work (Article 5 of the Law on the Protection of Literary and Artistic Property).

In case of a **joint work** in which each contribution consists an integral part of the work as a whole, all the contributors shall be considered co-authors and co-owners of copyright in the work. In the case of a joint work in which a number of contributions constitute separate and independent works in themselves, each of the joint authors shall be considered the author of his own contribution. In a joint work, none of the co-authors may, in the absence of any written agreement to the contrary, exercise copyright without

the consent of the other authors (Article 6 of the Law on the Protection of Literary and Artistic Property).

In the case of a **collective work**, the copyright holder is the natural or legal person that took the initiative to create the work and supervise its execution unless there is a written agreement to the contrary (Article 7 of the Law on the Protection of Literary and Artistic Property).

In the case of a **work created by natural persons working under a work contract** for a natural or legal person in the course of performing their duties or professional obligations, the copyright holder is the employer unless there is a written agreement to the contrary (Article 8 of the Law on the Protection of Literary and Artistic Property).

In the case of an **audio-visual work**, the copyright holder is the producer unless there is a written agreement to the contrary (Article 9 of the Law on the Protection of Literary and Artistic Property).

In the case of **anonymous and pseudonymous works**, the author of the work is the publisher. However should the identity of the author be revealed, the author himself shall exercise these rights (Article 10 of the Law on the Protection of Literary and Artistic Property).

The **person whose name is shown on the work** in the usual manner is considered to be the author of the work unless there is a proof to the contrary (Article 11 of the Law on the Protection of Literary and Artistic Property).

In case of **transfer of authorship**, the copyright holder is the person to whom the work was transferred.

- *Protection of the foreign works*

In addition to the works of Lebanese authors (wherever they reside), the protection of the copyright law covers the following artistic and literary works (Articles 12 and 13 of the Law on the Protection of Literary and Artistic Property):

- Works of non-Lebanese authors who are nationals of or residents in a member state of the Berne Convention or the Universal Copyright Convention.
- Works of authors who are nationals of any of the states of the Arab League which are not members of the above-mentioned conventions provided reciprocal treatment is applied.
- Works of producers of audio-visual works who have their headquarters or habitual residence in Lebanon or in any member state of the Berne Convention or the Universal Copyright Convention.
- Literary and artistic works first published in Lebanon.
- Literary and artistic works first published in a member state of any of the above-mentioned conventions.
- Literary and artistic works first published outside Lebanon and outside the member state of any of the above-mentioned conventions provided that they are published in Lebanon or in a member state of the above-mentioned conventions within 30 days from their publication in the other country.

In addition to sound recordings of Lebanese producers, the protection of the copyright law covers the following (Articles 36 to 38 of the Law on the Protection of Literary and Artistic Property):

- Sound recording of nationals of the Rome Convention.
- Sound recordings which the first fixation of sounds is undertaken in a State member to the Rome Convention.
- Sound recordings first published in a State member to the Rome Convention.
- Sound recording first published in a country that is not party to the Rome Convention but published afterwards, within 30 days of the first publication in a State party to the Rome Convention.
- Performances that take place in Lebanon or in a State member to the Rome Convention.
- Performances fixed in a sound recording protected under the copyright law.
- Performances not fixed in a sound recording but incorporated in a broadcast protected under the copyright Law.
- Broadcasts of broadcasting organizations which have their headquarters in Lebanon or in a State member to the Rome Convention.
- Broadcasts transmitted from a station located in Lebanon or in a State member to the Rome Convention.

- *Period of copyright protection*

As a general rule, copyright protection is provided for the lifetime of the author and 50 years after the author's death; 50 years from the end of the year of the death of the last surviving author in the event of co-authored work; 50 years from the end of the year of first authorized publication for collective and audiovisual works - or 50 years from the making of the work should the work not have been published; 50 years from the end of the calendar year of the authorized publication for anonymous or pseudonymous works - or 50 years after the author's death when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; and 50 years from the end of the calendar year of publication for works published under the name of a legal entity or after the death of the author. Moral rights are protected in perpetuity and can be transferred by means of will or succession (Articles 49 to 53 of the Law on the Protection of Literary and Artistic Property).

Rights of performing artists, producers of sound recordings, radio and television broadcasting organizations and publishers last for 50 years following the end of the calendar year of first performance, fixation, broadcast, or publication respectively (Articles 54 to 57).

The Law provides for a retroactive protection for all works created before the entry into force of the Copyright Law provided that they have not fallen into the public domain. The period of protection that has lapsed before the issuance of the Copyright Law shall be deducted from the period of protection provided for in the Copyright Law (Article 98 of the Law on the Protection of Literary and Artistic Property).

- *Registration*

Copyright protection does not depend on formalities. Protection is acquired automatically as soon as any artistic or literary work is created (Article 5 of the Law on the Protection of Literary and Artistic Property). However, the Copyright Law includes optional

procedures for registration (deposit) of literary and artistic works before the Intellectual Property Protection Office (IPPO) at the Ministry of Economy and Trade (Article 76 of the Law on the Protection of Literary and Artistic Property). The registration/deposit of the work constitutes a presumption that the depositor of a work is its owner. This presumption empowers the judge to command the production of evidence by the opposing party in cases related to copyright infringements.

Copyright holders or their universal successors who wish to make a deposit must submit to the Intellectual Property Protection Office an application duly completed and signed by them or their agent (Article 77 of the Law on the Protection of Literary and Artistic Property). The application form can be obtained from the IPPO directly or it can be downloaded from the website of the Ministry of Economy and Trade (<http://www.economy.gov.lb/MOET/English/Navigation/ServicesOnline/IPR/>).

The application for registration/ deposit of a literary and artistic work is not accepted unless it is accompanied by the fee prescribed in the law (Article 78 of the Law on the Protection of Literary and Artistic Property). A certificate mentioning the information stated in the application, dated, sealed and signed by the head of the IPPO shall be delivered to the applicant. The first certificate shall be granted free of charge.

Registration procedures applicable to copyright apply also to Related/ Neighboring Rights.

For more information about the fees please refer to the following table found on the Ministry's website:

<http://www.economy.gov.lb/MOET/English/Navigation/ServicesOnline/IPR/>

<b>Copyright and Related Work Fees</b>	
<b>Service</b>	<b>Fee (LBP)</b>
Deposit of a printed work	50,000
Deposit of a motion picture, video film or sound recording	175,000
Deposit of a daily or periodic publication (for one year)	75,000
Deposit of a picture, drawing, map, post card, photograph or daily or periodic publication, (1 copy)	25,000
Deposit of any other material not mentioned above	50,000
Recordation of a contract of deposit with the IPPO	50,000
Publication in the Official Gazette	5,000/ six words
Revenue stamp for each registration certificate	100,000
<b>PS: 10 % of the amount will be added as VAT</b>	

Registration procedures applicable to copyright apply also to Related/ Neighboring Rights.

## **5. International treaties**

Lebanon is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention for the Protection of Literary and Artistic Works](#)
- [Universal Copyright Convention](#)
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)

Lebanon signed the following treaties/ Conventions related to Copyright but did not ratify them yet:

- Paris Act of the Berne Convention for the Protection of Literary and Artistic Works signed on July 24, 1971\*.
- Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite signed on 21 May, 1997.
- [Arab Copyright & Neighboring Rights Convention](#) signed on 3 December, 2004.

\*A draft law on the ratification of the Paris Act of the Berne Convention has been finalized and sent to the Council of Ministers for approval on June 20, 2006.

Lebanon is also a party to a number of bilateral Free Trade Agreements (FTA) which include commitments on copyright:

- Lebanon-EU Association Agreement (FTA with the European Union in force since April 1, 2006).
- Lebanon-EFTA Free Trade Agreement (FTA with the European Free Trade Association \_ Iceland, Liechtenstein, Norway and Switzerland\_ in force since January 1, 2007).

The EU and EFTA require Lebanon to adhere to the following conventions:

- The Paris Act of the Berne Convention for the Protection of Literary and Artistic Works;
- The WTO Agreement on Trade-related Aspects of Intellectual Property Rights (The TRIPs Agreement).

The EU and EFTA require also Lebanon to make every effort to ratify the following conventions:

- WIPO Copyright Treaty (Geneva, 1996) - WCT
- WIPO Performances and Phonograms Treaty (Geneva, 1996). - WPPT

## II. Measures and remedies

### 1. Copyright infringement

There is no clear definition of copyright infringement under the Lebanese legislation. However, definition can be deduced from several provisions of the Copyright Law, the Criminal Law and the Customs law (Articles 81 to 88 and Article 91 of the Law on the Protection of Literary and Artistic Property, Articles 62 to 66 of the Customs Law). Accordingly, the following constitute copyright infringements:

- Violating the provisions of the Law on the Protection of Literary and Artistic Property
- Importing, exporting or trafficking pirated products as well as any act of piracy.
- Putting or instructing fraudulently others to put a false name on a literary or artistic work (whether the work has fallen into the public domain or not).
- Imitating fraudulently the signature or the logo of the author with intent to mislead the buyer.
- Knowingly Imitating a literary or artistic work (whether the work has fallen into the public domain or not).
- Knowingly selling, possessing, offering for sale or making available a pirated or a plagiarized work (whether the work has fallen into the public domain or not).
- Manufacturing or importing for purposes of sale or rental, offering for sale or renting, possessing for the purpose of sale or rental, selling, installing or renting any device, equipment or machine manufactured in whole or in part to receive illicitly any radio or television broadcast or transmission destined to that section of the public that receives the said broadcast or transmission on payment of a set fee; as well as arranging or facilitating for third parties the reception of the transmission or broadcast or transmission.
- Importing, consigning to a warehouse or a free zone or transiting sound recordings, or works that are imitations of sound recordings or works enjoying legal protection in Lebanon.

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

### 2. Remedies to protect copyright holders

The Law on the Protection of Literary and Artistic Property, the law on Obligations and Contracts, the Criminal Law and the Customs Law provide for a number of remedies that may apply for protecting copyright holders in the case of copyright violations. These remedies include the following:

- Provisional measures may be taken to prevent infringement of copyright and related rights where there is a ground for suspecting an imminent infringement. In such cases the judge of expedited matters, the president of the court of first instance or the public prosecutor may take all measures, in particular ex-parte decisions, as well as temporary seizures of the infringing goods (Articles 81 and 82 of the Law on the Protection of Literary and Artistic Property).
- Legal action may be instituted by the public prosecutor ex officio or at the request of the right holder or the head of the Intellectual Property Protection

Office (IPPO) (Articles 83 and 89 of the Law on the Protection of Literary and Artistic Property).

- Monetary damages may be paid to compensate the copyright holder for the material and/ or moral injury and damage incurred (Article 84 of the Law on the Protection of Literary and Artistic Property).
- Seizures of the subject matter in dispute as well as the equipment and devices used to commit the infringement may be imposed (Articles 84, 91 and 93 of the Law on the Protection of Literary and Artistic Property and Articles 62 to 65, 140(3), 250 and 421 to 423 of the Customs Law).
- Criminal sanctions may be imposed, in particular imprisonment for a term varying from one month to three years and/or a fine varying from 5 to 50 million Lebanese pounds. In case of recidivism, the amount of the fine is doubled. Deterrent penalties may also be imposed against co-conspirators and criminal groups engaged in intellectual property rights criminal offences. (Articles 200 to 222 of the Criminal Law, Articles 86 to 89, 91 and 93 of the Law on the Protection of Literary and Artistic Property and Articles 421 to 423 of the Customs Law).
- Closure of premises, commercial establishments or radio and television stations that infringe copyright and related rights may be imposed for a period varying from one week to one month (Article 86 of the Law on the Protection of Literary and Artistic Property, Article 200 and subsequent Articles of the Criminal Law).
- Recovering of statutory or punitive damages (Articles 249 to 278 of the Law on Obligations and Contracts).
- Civil damages awarded as part of the criminal process (Article 132 of the Criminal Law).
- Publication of the court decision, whether civil or criminal, or a summary of it in two local newspapers at the expense of the convicted person, as well as posting of the court decision at the places designated by the court (Article 97 of the Law on the Protection of Literary and Artistic Property and Article 721 of the Criminal Law).
- Publication of the acquittal decision at the expense of the plaintiff following a request made by the defendant and if the interest of this one so requires (Article 135 of the Criminal Law).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

### **3. Provisional measures**

The Copyright Law permits "all necessary provisional measures" in cases where there is fear of imminent infringement of copyright and related rights. It also permits temporary seizure to preserve relevant evidence (Articles 81 and 82 of the Law on the Protection of Literary and Artistic Property).

In such cases, the right holder or his public or private successors, in particular the associations or companies for collective management shall have the right to take all necessary provisional measures to prevent such infringement.

For this purpose, the judge of expedited matters, the president of the competent court of first instance or the competent public prosecutor may take all necessary measures, in

particular *ex-parte* decisions, to protect the right or the work that is likely to be infringed and all other works owned by the copyright or related right holder. Coercive measures may be imposed to enforce these decisions and temporary seizures of the material constituting evidence of the infringement of copyright or related right may be ordered. The seized material shall be left in the custody of the defendant.

Legal action may be then instituted by the public prosecutor *ex officio* or at the request of the right holder or the head of the Intellectual Property Protection Office (IPPO) (Articles 83 and 89 of the Law on the Protection of Literary and Artistic Property).

#### **4. Penalties for copyright infringement**

The Law on the Protection of Literary and Artistic Property, the Criminal law, the Law on Civil Procedures and the law on Obligations & Contracts provide for penalties to be applied in case of copyright or related rights infringements. These penalties are the following:

- Monetary damages may be paid to compensate the copyright holder for the material and/ or moral injury and damage incurred. The amount of such compensation shall be determined by the court based on the commercial value of the work, the damage and lost profit incurred by the right holder and the material profit realized by the infringer. (Article 84 of the Law on the Protection of Literary and Artistic Property).
- Seizures of the subject matter in dispute as well as the equipment and devices used to commit the infringement may be imposed (Articles 84, 91 and 93 of the Law on the Protection of Literary and Artistic Property and Articles 62 to 65, 140(3), 250 and 421 to 423 of the Customs Law).
- Criminal sanctions may be imposed, in particular imprisonment for a term varying from one month to three years and/or a fine varying from 5 to 50 million Lebanese pounds. In case of recidivism, the amount of the fine is doubled. Deterrent penalties may also be imposed against co-conspirators and criminal groups engaged in intellectual property rights criminal offences. (Articles 200 to 222 of the Criminal Law, Articles 86 to 89, 91 and 93 of the Law on the Protection of Literary and Artistic Property and Articles 421 to 423 of the Customs Law).
- Trial expenses including judicial fees, witnesses' compensations, fees charged by experts, fees of trial proceedings, and attorney's fees may be imposed as well as civil damages as part of the criminal process (Articles 540 to 551 of the Law on Civil procedures and Article 132 of the Criminal Law).
- The closure of the premises, the commercial establishment or the radio or television station that infringes copyright for a period varying from one week to one month as well as the destruction of all unauthorized copies and all the equipment and the devices used to produce such copies may be ordered (Article 86 of the Law on the Protection of Literary and Artistic Property, Article 200 and subsequent Articles of the Criminal Law).
- Publication of the court decision, whether civil or criminal, or a summary of it in two local newspapers at the expense of the convicted person, as well as posting of the court decision at the places designated by the court. If the losing party represents a newspaper, a magazine or a radio or television station, publication of the court decision in this newspaper, magazine or radio or television station in addition to the publication in two local newspapers

(Article 97 of the Law on the Protection of Literary and Artistic Property and Article 721 of the Criminal Law).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

## **5. Requirements for foreign persons**

Foreign natural and legal persons shall enjoy the rights to take action in Lebanese courts on the same footing as Lebanese natural and legal persons (Article 7 of the Law on Civil Procedures).

If the claim relates to a misdemeanor or a violation, the plaintiff may not be represented by a lawyer. However, when the claim relates to a felony, then the plaintiff is required to be represented by a Lawyer member of the Lebanese BAR. In this case, the judge imposes on the foreigner a security or equivalent assurance.

Foreign natural and legal persons have direct access to customs and police officials.

As for claims submitted to the Intellectual Property Protection Office (IPPO) at the Ministry of Economy and Trade, foreign natural and legal persons may submit their claims without being represented by a local agent in copyright infringements cases only. However, in order to undertake penal proceedings within the 15 day period foreseen under the Law on the Protection of Literary and Artistic Property (Article 92), they have to be represented by a Lawyer Member of the Lebanese Bar (In the case of civil litigations: Articles 378, 379 and 655 of the Law on Civil Procedures and Article 61 of the Law on Lawyers Practice; In the case of criminal litigations: Articles 68, 155, 168, 170 and 217 of the Law on Criminal Procedures, and Articles 12 and 13 of the Law on the Protection of Literary and Artistic Property).

Foreign lawyers may defend cases before Lebanese courts provided that they had permission from the Head of the Lebanese Bar Association (Law on Legal Services No. 8 of 11 March 1970).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

### III. Enforcement

#### 1. Enforcement authorities

##### a) Authorities responsible for enforcing the copyright law

The police, the public prosecutor, the judiciary, customs officials, and employees of the Intellectual Property Protection Office (IPPO) at the Ministry of Economy and Trade (MOET) sworn in to this effect, are the competent authorities responsible for enforcing the copyright law and combating piracy in Lebanon (Articles 89, 91 and 92 of the Law on the Protection of Literary and Artistic Property).

The specific authorities designated to combat piracy are, however, the sworn employees of the IPPO and the officers of the Police Unit for combating cyber-crimes established in March 2006 at the Internal Security Forces.

General prosecutors and the judiciary act under the authority of the Ministry of Justice, the police under the Ministry of Interior and customs officials under the Ministry of Finance.

The Ministry of Culture is responsible for monitoring the activities of Collective Management associations and companies and for establishing violations (Article 66 of the Law on the Protection of Literary and Artistic Property).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

##### b) Enforcement bodies entitled to act *ex-officio* in copyright infringement cases

Police, customs officers and IPPO's sworn-in employees are empowered, based on complaints or on their own initiative (*ex-officio*), to inspect suspected violators, take samples of products, and prepare reports of all sampling and inventorying to be used before the court which would handle the case. These employees shall perform their duties pursuant to an order or a mandate issued by the public prosecutor or the Intellectual Property Protection Office and they shall notify the IPPO of all violations of the provisions of the Law on the Protection of Literary and Artistic Property that come to their attention (Article 92 of the Law on the Protection of Literary and Artistic Property).

Sworn-in employees of the Intellectual Property Protection Office have police powers with regard to the implementation of the provisions of the Copyright Law (Articles 92 of the Law on the Protection of Literary and Artistic Property).

The police and customs are entitled to seize prohibited goods, *ex-officio* or at the request of right holders, wherever they are found. Customs officers may act *ex officio* at the borders and in the country in copyright infringement cases (Articles 62 to 65, 140(3), 197, 250, 421 to 423 of the Customs Law and Article 91 of the Law on the Protection of Literary and Artistic Property).

With regard to the foregoing violations, legal action may be instituted by the public prosecutor *ex-officio* or at the request of the person suffering damage or the head of the Intellectual Property Protection Office (Article 89 of the Law on the Protection of Literary and Artistic Property). Any judicial decision issued with regard to the foregoing

infringements shall be communicated by the court to the Intellectual Property Protection Office within 15 days of the date of the decision (Article 90 of the Law on the Protection of Literary and Artistic Property).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

### **c) Courts dealing with copyright cases**

There are no specialized courts for copyright or intellectual property rights (IPR) in Lebanon. The competent courts are the ordinary courts (civil, criminal and administrative). The court having jurisdiction over civil remedies is the competent court of first instance in charge of civil cases. The court having jurisdiction over criminal offence is the competent court of first instance in charge of criminal cases.

In principle, in personal and movable rights cases (such as copyright cases), the competent court is that of the place where the defendant is resident. If the defendant is a natural person, it is the court of the place where he is domiciled or resident.

In cases related to legal persons (companies, institutions, and associations), the court that has jurisdiction over the case is the court where the headquarter is located. For major companies with several branches, the matter may be referred to the court in the place where one of these branches is located. If the place of residence or domicile of the defendant is not known, the competent court is the one in Beirut (Article 98 to 113 of the Law on Civil Procedures).

The courts having jurisdiction over copyright infringement cases at the borders are the ordinary courts in charge of civil cases. However, the customs administration should be in charge of setting the action in motion by submitting the proceeding of seizure to the Intellectual Property Protection Office at the Ministry of economy and trade charged with notifying the damaged party (Article 66 of the Customs Law).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

## **2. Enforcement at the border**

The Customs is the Authority responsible for combating piracy at the borders. Customs officers may act *ex officio* at the borders and in the country in copyright infringement cases. They are entitled to seize prohibited goods, *ex-officio* or at the request of right holders, wherever they are found (Articles 59, 62 to 65, 140(3), 197, 250, 421 to 423 of the Customs Law and Article 91 of the Law on the Protection of Literary and Artistic Property).

Infringing or attempting to infringe intellectual property rights, including copyright, is dealt with under the Customs Law as importing or attempting to import prohibited goods without the submission of manifest or through smuggling and should be subject to penalties (Articles 59, 62 to 65 and 421 to 423 of the Customs Law).

Customs may, on their own initiative, detain items which they suspect infringing copyright. Once the goods have been detained, a copy of the formal statement drawn up for that purpose shall be posted on the door of the customs house within 24 hours as of the closure of the proceedings (Article 369(11) of the Customs Law) and the administrative or judicial authority which issued the order shall be notified of the detention and shall in turn notify the applicant. The becoming of infringing goods shall be decided by the IPPO which may decide the destruction of the goods or any other mode of disposal (Article 66 of the Law on Customs).

Violations set forth in the customs law may be prosecuted and proved by all legal evidences even if such violations were not discovered inside or outside the customs territory or upon declaration of goods through customs manifests. For this purpose, information coming from foreign authorities, forfeiture proceedings and documents issued by the said authorities may be considered to be proofs of violations. Public prosecutors shall be in charge of the popular actions filed for the purpose of implementing criminal sanctions incurred from ordinary crimes committed concurrently with customs violations or relating to such violations. However, the customs administration shall be in charge of actions filed in order to apply duties and fines (Article 381 of the Customs Law).

Imports for personal use of a non-commercial quantity and new items and things acquired for personal use will not be detained by Customs (Articles 316 and 317 of the Customs Law).

The aforementioned provisions apply also in the case of infringement of related rights/ neighboring rights.

## **IV. Public Awareness**

### **1. Awareness campaigns and actions**

The Intellectual Property Protection Office (IPPO) actively promoted national awareness of IP concepts and laws by engaging a variety of audiences, including government agencies, representatives of the international community, private sector syndicates and trade groups including the legal and artistic communities, academics, students, and the general public through a series of seminars, university and school lectures, as well as visibility through print and broadcast media, including billboard advertisements, comprised a key part of the IPPO's communications campaign. Organized with the Lebanese Youth Shadow Government, the Ministry of Economy and Trade also offered a summer internship focused on IP and consumer protection. Approximately 100 students from universities around the country participated.

### **2. Promotion of legal exploitation**

The Ministry of Economy and Trade (MOET) in collaboration with the private sector, the World Intellectual Property Organization (WIPO) is working on many programs (Awareness campaign) targeting the "Public" in order to forge an intellectual property

culture in Lebanon and to promote the awareness and understanding of the legal aspects of intellectual property rights among the " Public " and specific target audiences, such as small businesses, artists, students, etc. In particular, a media campaign has been launched in 2007 including three video clips aiming at raising awareness about the protection of pharmaceuticals, musical industry and computer programs. The video clips were shown on eight local TV stations for a period of 2 months.

### **3. Associations and organizations with awareness-raising purpose**

- ICC-Lebanon Commission on Intellectual Property

The intellectual property policy of the International Chamber of Commerce (ICC) is formulated by its Commission on Intellectual Property, which gathers over 300 business executives and private practitioners from 50 countries. The commission identifies key intellectual property issues facing the international business community and contributes the business voice to debates to resolve these. It also works to raise awareness of intellectual property by initiatives such as its annual *Roadmap on Current and Emerging IP Issues for Business and other publications*. The Commission on Intellectual Property meets twice each year in plenary, but carries out work constantly throughout the year in issue-specific task forces. The Commission also works closely with intergovernmental organizations involved in intellectual property policy-making, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO) where ICC has observer status. <http://www.iccwbo.org/policy/ip/id2465/index.html>

- Brand Protection Group

Brand Protection Group – BPG Lebanon is an association of leading local, regional, and international manufacturers and distributors that joined efforts in March 2003 to fight counterfeit products in Lebanon and the Levant region. With offices in Lebanon, Jordan, Syria, Egypt and Yemen, BPG has launched media campaigns and cooperated closely with local governments to stop the spread of the counterfeit industry and protect the consumer's rights in society. <http://www.brandprotectiongroup.org/>

- Lebanese Intellectual Property Association

The Lebanese Intellectual Property Association (LIPA) is a Lebanese non-profit organization that was founded in 2004 to raise awareness on IP issues and combat piracy and counterfeit. LIPA works alongside international NGO's, the Lebanese Government and the private sector. Its board consists of members from different legal and professional backgrounds (lawyers, judges, publishers, artists, etc...). <http://www.lipa-lb.com/english/>

- Police Unit for combating cyber-crimes

The police unit for combating cyber-crimes and enforcing intellectual property rights was formed by the Judicial Police at the Internal Security Forces within the special criminal investigation section. The Unit started to operate on 13/3/2006.

- Intellectual Property Right Committee at the CCIAB

The Intellectual Property Rights (IPR) Committee at the Chamber of Commerce, Industry and Agriculture of Beirut and Mount Lebanon was established in 2006. The Committee's top priority is to disseminate an adequate IPR culture and to educate not only the

stakeholders, but also a wider public base, on IPR-related issues. The committee acts as the private sector's interlocutor, in IPR issues, before the concerned public bodies.

- National Committee for Intellectual Property Rights in Lebanon

The National Committee for Intellectual Property Rights (IPR) in Lebanon was established in 2006. The main objective of the National Committee is to raise awareness about the importance of IPR through different activities including celebrating the World Intellectual Property Day. The National Committee for IPR includes representatives from the Ministry of Economy & Trade, World Intellectual Property Organisation (WIPO), The Lebanese Intellectual Property Association (LIPA), The American University of Beirut (AUB), The Professional Computer Association (PCA), American Lebanese Chamber of Commerce (AmCham-Lebanon), Association of Lebanese Inventors, IPR Committee at the Lebanese Chamber of Commerce and Industry (BCCI) in Beirut and Mount Lebanon, Intellectual Property Rights Committee at the International Chamber of Commerce (ICC), Syndicate of Information Technology Merchants (SITM), Business Software Alliance (BSA), Press Club and Sader Press.

- Saba & Co. Intellectual Property

Saba is one of the longest-established and most renowned intellectual property firm in the Arab world. Saba is active in all areas of prosecution, registration, and enforcement of intellectual property rights and provides the full range of related legal and paralegal services. On the enforcement front, the firm's expertise extends to all areas of intellectual property, including trademark infringement, unfair competition, misleading practices, as well as similar actions. Saba coordinates with private investigators and government enforcement agencies to obtain evidence on infringing use; conducts civil litigation against infringers; provides technical expertise to consumer advocacy groups to highlight the social costs of counterfeit commerce; and works with government enforcement agencies to prosecute and take administrative action against infringers. Also, Saba strongly believes that the key to a successful anti-piracy/anti-counterfeit policy lies in effective border measures and the proactive support of the local law enforcement agencies. As such, Saba continuously works with the government authorities concerned in the countries of the region to prompt them to tighten the laws on counterfeiting. Saba is also a founding member of the local chapters of the Brand Protection Group for Lebanon, Jordan, Syria, and GCC and Yemen.  
<http://www.sabaip.com/index.aspx>

- Arab Society for Intellectual Property

The Arab Society for Intellectual Property (ASIP) is a specialized Arab professional body which was established in 1987. ASIP aims at promoting and developing intellectual property protection in the Arab world, through the encouragement of the development and modernization of IP systems and the laws and regulations that govern them. ASIP is dedicated to the building of capacities and expertise among IP professionals and practitioners as well as enhancing awareness among the general public through the utilization of a number of tools in order to successfully achieve its objectives, by holding education programs, conferences, and seminars, research projects and studies.  
<http://www.aspip.org/Default.aspx?&lang=en>

#### **4. Best practices**

## **V. Capacity-building**

### **1. Training**

The Ministry of Economy and Trade in collaboration with the USPTO, WIPO, EFTA and the EU, is preparing workshops and seminars for the staff of the Intellectual Property Protection Office (IPPO) on the importance of IPR protection; and individual and training programs on the execution and administration of new laws and treaties.

### **2. Establishment of specialized units and intersectoral groups**

In March 2007, a committee has been formed by a Ministerial decision, No. 66 dated 7/3/2008, to coordinate all activities related to Intellectual Property.

### **3. Best practices**

In May 2004, MOET organized an IP week in cooperation with the USAID. The training covered trademarks, copyright, patents and industrial designs. Daily workshops were followed by roundtable discussions involving prominent IP stakeholders in the panel.

In April 2005, MOET carried out a campaign in 20 schools, outreaching more than 1500 students, by delivering comic strips on IP using WIPO communication materials.

In October 2005, MOET hosted a conference on cable transmission concern, highlighting the respective viewpoints of rights holders on one hand, and illegal cable operators on the other. This initiative can be considered as the starting point of a much-needed dialogue on the issue of cable piracy between all parties involved.

In April 2006, MOET organised a free-to-all celebration of World Intellectual Property Day at the American University of Beirut, targeted at youth university groups and built around a clear call for action: "Help us improve public understanding of and respect for Creativity & Innovation".

Lebanon is making progress in the fight against piracy. The Cyber Crime and Intellectual Property Rights Bureau (CCIPRB), the Customs and the IPPO have been active in trying to crack down on copyright infringers. Lebanese authorities destroyed more than 40 000 CDs and DVDs during 2007, in different places and for four times under the watchful eyes of officials from different Ministries, Media, and the Business Software Alliance (BSA), and other concerned entities. On May 29, 2008, over 100 000 pirated CDs and DVDs valued at 5 million dollars were destroyed.

## **VI. Other**

### **1. TPM/DRM**

The Lebanese Laws do not provide for Technological Protection Measures (TPM). However, the new amendments to the Law on the Protection of Literary and Artistic Property will include such provisions in particular the following:

- A definition of TPM designed in line with the definitions as found in the WIPO Internet treaties (WCT and WPPT) as well as the European Directive on the Information Society.
- A new Article aiming at implementing WCT and WPPT provisions related to obligations concerning technical measures (Articles 11 of WCT and 18 of WPPT).
- A new Article allowing for technical measure to be circumvented by a user of work or other subject matter protected, for the purpose of taking advantage of an exception.

## **2. Licensing Schemes**

## **3. Optical Discs**

## **4. Hotlines**

## **5. Relevant contacts and links**

### *Government Agencies*

#### **Intellectual Property Protection Office**

Ministry of Economy and Trade (Supervisory Ministry)

Lazarieh Building, Block 02A, 4th fl., Down Town

Beirut- Lebanon

Tel: +961 1 982370

Fax: +961 1 982369

Email: sfaour@economy.gov.lb

Website: www.economy.gov.lb

#### **Police Office for Combating Cyber-Crimes & Enforcing Intellectual Property Rights**

Internal Security Forces

Judicial Police Unit - Special Criminal Investigation Section

Boulevard Kamil Chamoun , Joseph Daher barracks

Beirut- Lebanon

Tel: +961 1 289109

Fax: +961 1 289054

Email: elie.bitar@isf.gov.lb

#### **Collective Management**

Ministry of Culture

General Directorate of Culture

Hamra, Hatab Bldg, Facing Hotel Bristol

Beirut, Lebanon

Tel: +961 1 744250

Website: <http://www.culture.gov.lb/>

#### **Customs**

General Directorate of Customs

The Registrar (Diwan)

Riad Solh Street, Down Town

Beirut, Lebanon

Tel: +961 1 980064

Email: [infor@customs.gov.lb](mailto:infor@customs.gov.lb)  
Website: <http://www.customs.gov.lb>

**Arab IP Center of the League of Arab States:**  
<http://www.arabipcenter.org>