

# **Resolution No. 2385/1924 of January 17, 1924, on Commercial and Industrial Property Rights (amended up to the Law of January 31, 1946)**

## **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 wines and alcoholic drinks and beverages, and perfumes, etc. cardboard packages and boxes used accessories such as scrappers, sock holders, shoes, corsets, covers of flasks and flacons, bottles of 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)**

The registration shall not grant the ownership of a drawing or a design, but it only creates a presumption of ownership in favour of the person who makes the registration; however the real ownership shall only be acquired through the use of the drawing or design.

### **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 there from 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 there from 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 mark can be individual or collective; professional, regional, agricultural or industrial groupings authorized by the government, may acquire a collective mark to guarantee the good manufacture or the origin of their goods or products, only the members of these groupings will be able to use this collective mark or label, independently of the individual mark that each one of them will be able to have.

**Article (71)**

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

**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 business.

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):

[...] The owner of a trademark is not required to reside in Lebanon to benefit from the provisions of the present law. The foreigner who wants to register a trademark must be represented by a person residing in Lebanon, [...].

#### **Article (78)**

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 Council of State 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- Determining and detailing the numbers of international classification's sections covered by the mark or that relate to the products or services stated in the application for registration and to which the mark applies.
- 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- Sections of international classification relating to the products or services to which the mark applies.
- 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

(This paragraph was added under the law applied by Decree No 245 of 23/2/1983)

Each of the above-mentioned duties shall be levied on each section of international classification relating to the products or services to which the mark applies. Should the mark cover services and products of more than one section of international classification, duty shall be collected according to the number of sections relating to the products or services to which the mark applies.

#### **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 there from, 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 there from. 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 there from unless the name of the establishment in which he was working is mentioned.

## **PART FIVE**

## **UNFAIR COMPETITION**

## **Chapter One**

### **Article 97:**

The following shall be considered unfair competition:

- 1- Any violation of the decision in which one of the necessary requirements for the application of the sanctions provided for in Section 6 below is missing.
- 2- Any act subject to the free jurisdiction of courts and determined to be unfair competition.

### **Article 98:**

Amended by Article 11 of Decision No 84 of 30 December 1926:

Acts of unfair competition may only be subject to legal proceedings for cessation of competition or prejudice and for seeking indemnity except where such acts are considered violations subject to penalties under criminal codes or under the provisions of this decision.

## **Chapter Two**

### **Trademarks and Brand Names**

#### **Article 105:**

(Amended by Article 12 of Decision No 84 of December 30,1926 and Article 13 of the law of January 31,1946)

Any person who determines in whatever manner or way that an unregistered mark is registered;

Any person who deliberately imitates or uses a registered mark without the authorization of the owner of the mark even if the mark is accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like in a way as to mislead the public;

Any person who affix to his goods or products a mark belonging to another person;

Any person who deliberately sells or offers for sale a product bearing a counterfeited mark or a fraudulent imitation of the original mark;

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

Shall be liable to a fine varying from LBP 50 to LBP 500 and to imprisonment for a term varying from 3 months to 3 years or to one of the foregoing sanctions.

**Article 106:**

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

Any person who makes a fraudulent imitation of a mark, without counterfeiting the mark, with the intent to deceive the public or uses a fraudulent imitation of a mark;

Any person who uses a mark bearing fraudulent indications of such a nature as to mislead the public as to the nature of the product requested;

Any person who deliberately sells or offers for sale a product bearing a fraudulent imitation of a mark or fraudulent indications of such a nature as to mislead the public as to the nature of the product;

Shall be liable to a fine equivalent to LBP 50 to 250 and to imprisonment for a term varying from two months to two years or to one of the foregoing sanctions.

**Article 107:**

Courts shall evaluate fraudulent imitation and counterfeit from the point of view of the ordinary consumer taking into account the overall similarity regardless of minor differences between the original mark and the disputed mark.

**Article 108:**

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

Any person who does not affix to his products a mark declared obligatory;

Any person who sells or offers for sale a product that does not bear the mark required for this type of product;

Any person who shows on the products symbols that are in contravention of the provisions of Article 71 of this decision;

Any person who violates Article 69 of this decision;

Shall be liable to a fine varying from LBP 50 to LBP 500 and to imprisonment for a term varying from two months to two years or to one of the foregoing sanctions.

**Article 109:**

In the event of repetition of the offence concerning the infringements subject to the sanctions stated in Articles 105, 106 and 108 mentioned above, the sanctions may not be under the maximum set in the foregoing Articles or above the double of that maximum. The infringer shall be liable to an imprisonment for a term varying from two months to five years. Second or subsequent offence shall be defined under Article 103 of this decision.

**Article 110:**

Usurpation of the trade name shall result in the implementation of the same sanctions referred to in Articles 105 and 109 of this decision.

### **Chapter Three**

#### **Industrial Designs**

##### **Article 111:**

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

Any deliberate injury to the industrial design rights guaranteed under this decision shall entail the imposition of a fine varying from LBP 25 to LBP 250. If the offender helps or has helped in the past in whatever manner the injured person, he shall be liable to imprisonment for a term varying from two to six months.

##### **Article 112:**

(Amended by Article No 13 of the law of 31 January 1946)

If the act that has entailed legal action in court is related to a pharmaceutical product, the fine should not be less than LBP 50.

##### **Article 113:**

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

In the event of repetition of the offence, as set forth in Article 103 of this decision, the fine imposed should not be less than LP 250 or greater than LP 500. The offender may also be liable to imprisonment for a term varying form 2 months to 2 years.

##### **Article 114:**

(Amended by Article 13 of Decision No 84 of December 30, 1926).

Any act committed prior to registration shall not give the injured party the right to take legal action deriving from this decision.

For any act committed after registration but prior to publication, the injured party may not institute legal action, whether or not **civil**, resulting from Article 111 unless it proves that the offender has acted in bad faith.

### **Chapter Five**

#### **Secondary Penalties**

##### **Article 116:**

Even in case of acquittal, seizure of the items that have caused or have been used to cause injury to the rights guaranteed by this decision should be made. The court shall in all cases order the destruction of the marks, symbols, signs and notices that are contrary to this decision.

**Article 117:**

Should an obligatory mark not be affixed to a product, the court shall order the affixation of the mark to the product in question or decide the confiscation and sale of the product for the benefit of the injured party or as a fine.

**Article 118:**

All verdicts pronounced with regard to any of the offences stipulated in this decision or in any other decision related to unfair competition shall entail the following secondary sanctions:

- 1- Non-eligibility of the condemned for membership in chambers of commerce, associations, research committees, syndicates, cooperatives and any elective assembly in general.
- 2- The verdict shall be posted in the places designated by the court and published in two different journals, one of which is in French and the other in Arabic, designated by the court which has pronounced the original verdict.

**Article 119:**

Even in case of acquittal, the court may grant damages to the injured party.

**Chapter Six**

**Description and Stocktaking...Sampling...Seizure...Judgment...Application of the Provisions of this Decision**

**Article 120:**

(Based on Article 16 of the Law of 31 January 1946):

**The Public Prosecution shall institute common right proceedings either automatically or pursuant to a complaint lodged by the private party associated with the public prosecutor or the president of the Protection Department.**

**Article 121:**

Whether the injured party lodges a complaint or not, the public prosecution shall have the right to designate, take stock of and sample suspected items, merchandises, instruments and utensils. The Director of the Protection Office shall enjoy the same right.

**Article 122:**

(Completed by Article 14 of Decision No 84 of 30 December 1926):

The persons designated hereunder shall, as stated in Article 121 above, have the authority to designate, take stock of and sample suspected items: police commissioners, commissioners of special police of railroads and ports, customs officials, employees of the Protection Office sworn to this effect and officials nominated by the director of the Office for localities other than Beirut and sworn to this effect. The foregoing officials shall carry out their functions by virtue of an order or mandate issued by the public prosecution or the director of the Protection Office. They should notify the Protection Office of any infraction of the provisions of this decision.

Sworn officials shall have capacity of commissioners of judicial police in all what is in connection with the application of this decision.

**Article 123:**

Designation, stocktaking and sampling of suspected items may be carried out in the following places: magazines, stores, workshops, trucks used in commerce, warehouses, slaughterhouses and their outbuildings, covered markets, fairs and stations and ports of arrival and departure.

**Article 124:**

(Completed by Article 10 of the Law of 21 January 1946).

Each sampling, designation, stocktaking shall be recorded in a procès- verbal which must contain:

1. The name, surname, quality and residence of the officer who has drawn up the record.
2. The authority that has issued the order and the date of the order given to the officer.
3. The date, time and location of the operation.
4. The name, surname, residence, nationality and profession of the person at whose house the operation is carried out.
5. If the operation is executed on the way, the names, nationality and residence of the persons mentioned in the consignment notes or bill of lading shall be stated in the record as consignors and consignees.
6. A brief account of the circumstances in which the operation has been carried out, enumeration of the persons that have attended it.

7. The signature of the person who has possession of the items or merchandises. If the person in question refused to sign, his refusal must also be mentioned.
8. The signature of the commissioner who has drawn up the report.

Furthermore, the proprietor of the merchandise shall also have the right to state in the record all the instructions and reservations that he deems useful.

**Article 125:**

The officer who has drawn up the record shall not be obliged to give the holder of the merchandise prior notice of his mandate. In particular, the officer may, when asked to ascertain the delivery of a product other than another product ordered under a specific mark or registered design, present to the holder of the merchandise the order he has in hand only after the delivery of the product. An expert nominated by the authority that has issued the mandate may accompany the officer and he shall be mentioned in the mandate.

**Article 126:**

The officer shall, when deemed appropriate, deliver to the holder of the merchandise a copy of the order by virtue of which he is acting. Moreover, the holder of the merchandise shall, at the end of the operation, be delivered a copy of the record and inventory of the merchandise of the items or goods in question, should a separate one be drawn up of such items and merchandise.

**Article 127:**

Criminal and **civil** action must be brought before the competent court within 15 clear days as of the date of the record, failing that, the operation shall be null and void. The foregoing time limit shall be increased of one day for each 50 km of distance between the place of the operation and the residence of the party against whom the action is taken or his representative.

**Article 128:**

Any legal action instituted within the time limits set forth in Article 127 shall be brought before the competent law of the residence of the party against whom the action is taken or, failing that, before the competent court of the place where the operation took place. At the request of the plaintiff, the court may, before rendering its judgment, order the seizure of all or part of the items stated in the record and inventory. Such being the case, the court may order the plaintiff to deposit, prior to seizure, in the Protection Office fund a guarantee set by the court in proportion to the value of the items to be seized. It shall be designated in the order of seizure, the officer who is in charge of performing seizure, preference given to the officer who has drawn up the record and carried out the first operation, if carried out, of stocktaking or sampling as stated in Article 121. It shall also be mentioned in the order the place where the sequestered item shall be deposited and the sequestrator entrusted with their safety.

**Article 129:**

The distrainee shall be provided with copies of the following documents, failing that, the seizure shall be null and void:

- 1- The order of seizure.
- 2- The document establishing the deposit of the guarantee in the office, should a guarantee be required.
- 3- The inventory of the seized items.
- 4- The record of seizure.

**Article 130:**

The officer who has made the seizure shall draw up forthwith a record in two exemplified copies, one of which shall be delivered to the distrainee. The foregoing record shall be of the same type as the one referred to in Article 124 and shall be accompanied by the inventory. The distrainee shall sign the foregoing documents. Should he refuse to sign or should he be unable to sign, his refusal or inability shall be mentioned in the two documents instead of the signature.

**Article 131:**

Should the seizure, sampling or stocktaking be carried out via the Protection Office, the latter shall collect the two following fees:

Detailed stocktaking, designation or sampling shall be charged LBP 6.

Seizure shall be charged LBP 12 plus LBP 4.50 paid to the officer who has made the seizure.

Should the Office receive a complaint from the injured party, the latter shall pay the said fees. The fees shall be refunded to the injured party in case of condemnation of the party against which legal action is taken. If the office is acting directly and without a complaint, the party against which legal action is taken, if condemned, shall settle the said fees.

**Article 132:**

Even in the case of acquittal of the party against which legal action is brought in the penal court, the court shall order the seizure and sale of the suspected items or goods in favor of the injured party or the Protection Office.

**Article 133:**

(Based on Article 3 of Decision No 164 of 8 December 1938):



The relevant court shall inform the Office, within a maximum period of 8 days, of any judicial decision taken in accordance with the provisions of this Decision.

**Article 134:**

(Repealed by Article 4 of Decision No 164 of December 8,1938):

**Article 135:**

Shall be repealed as of the effective date of this Decision, all the previous laws, decrees, regulations and decisions dealing with the same issue, including, but not limited to, the following: The Ottoman law of March 9/ 1880 on patentable inventions, the Ottoman law of May 11/ 1888, the Ottoman Decision of October 8,1888 on trade marks and brand names, Decision No 769 of March 19,1921 on temporary protection of the rights of the persons exhibiting their goods at Beirut fair, Decision No 865 of May 27, 1921 on the protection of trade marks and brand names and Decision No 1136 of December 5, 1921 amending the previous decision etc...

**Article 136:**

(Amended by Article 15 of Decision No 84 of December 30, 1926 and Article 12 of the Law of January 31, 1946):

Trademarks and brand names registered in Lebanon at a time where the provisions of Decision No 865 and Decision No 1136, both repealed, were applicable, shall benefit, without the need for any further formalities, from the provisions of this Decision, provided their date and registration rank are kept.

The marks that have not been properly registered under the provisions of this Decision shall be considered registered and valid as of the effective date of Decision No 2385.