

# Draft Law on the Protection of Drawings and Industrial Designs

## Chapter One General Provisions

### Article 1 [Definitions]

For the purpose of this Law, the following terms and expressions shall have the meanings indicated below, unless provided to the contrary in this Draft Law:

- **Minister:** The Minister of Economy and trade.
- **Ministry:** The Ministry of Economy and Trade.
- **Director General:** The Director General of Economy and Trade.
- **Office:** The Intellectual Property Protection Office located at the Ministry of Economy and Trade.
- **Head of the Office:** The Head of the Intellectual Property Protection Office at the Ministry of Economy and Trade.
- **Drawing:** Industrial drawing.
- **Design:** Industrial design.
- **Register:** The register of industrial drawings and designs kept by the Office, prescribed in Article 11 of this Law.
- **Application:** The application for the registration of industrial drawings or designs.
- **Court:** The Court of Appeal of Beirut which has jurisdiction over commercial cases.
- **Publication:** An intellectual property supplement issued weekly with the Official Gazette.
- **Paris Convention:** the Paris Convention for the Protection of Industrial Property signed in 1883, as revised and amended.

### Article 2 [Definition of industrial drawing or design]

Within the meaning of the present Law, an industrial drawing or design is any pattern or configuration of lines or colors, and any shape or form whether connected to lines or colors or not, which may be used in an industry or handicraft trade, manually or mechanically, including textile designs, provided that such configuration or shape gives the industrial commodity or handicraft a special aspect.

### **Article 3**

[Protection requirements]

An industrial drawing or design shall be registered if it is new and has external features that give such drawing or design an individual character distinguishing it from other drawings and designs.

It is possible for example to register fabrics which contain illustrated or knitted graphics and illustrated wall paper and others; new designs of coats and hats; accessories such as belts, ties, and shoes; flasks and jars packages, bottles of alcoholic and non alcoholic drinks; perfume bottles; cardboard packages and boxes used for pharmaceutical products; external appearance of merchandise or any other product.

### **Article 4**

[Definition of novelty]

A drawing or design shall be considered new if it has not been made available to the public in any manner whatsoever, or concretely used or published, before the date of filing of the application for registration or before the date on which priority has been claimed, as the case may be and in accordance with the provisions of the present Law.

### **Article 5**

[Individual character]

A drawing or design shall be considered to have individual character if the overall impression it produces on the informed user differs from the overall impression produced on such a user by a drawing or design which has been made available to the public before the date of filing of the application for registration or before the date on which priority has been claimed as prescribed in Article 13 of the present Law.

### **Article 6**

[Complex product]

A complex product means a product which is composed of multiple components which can be replaced.

A drawing or design which constitutes a component part of a complex product shall only be considered to be new and to have individual character if the component part incorporated into the complex product remains visible during normal use of the latter by the end user and to the extent that those visible features of the component part fulfill in themselves the requirements as to novelty and individual character.

### **Article 7**

[Disclosure of the drawing or design ]

A drawing or design shall be deemed to have been disclosed to the public if it has been made available to the public through publication or use or through any other means.

Disclosure shall not be taken into consideration if a drawing or design has been made available to the public during the 12 month period preceding the date of filing of the application for its registration in Lebanon or before the date on which the priority has been claimed, as a consequence of an act done by the applicant or an abuse in relation to such applicant.

### **Article 8**

[Restriction on protection]

The protection conferred by the present Law shall not apply to the followings drawings and designs :

1. Drawings or Designs which are contrary to public order or morality.
2. Drawings or Designs which represent currencies, pictures, signs, abbreviations, names, badges, escutcheons, Lebanese flags and other symbols and emblems of governmental or international organizations or of any other country with which Lebanon is related under international treaties or agreements or under reciprocal treatment rule, without authorization by the state or the competent organization.
3. Drawings or Designs similar or identical to a well known mark.

### **Article 9**

[Protection conferred by patent]

If the new drawing or design can at the same time be considered a patentable invention, and the novelty elements of such drawing or design cannot be separated from those related to the invention, such drawing or design shall be protected pursuant to the Patent Law No.240/2000.

If the novelty elements of the drawing or design can be separated from the invention itself, the inventor may, at his own request, benefit from both protections conferred by the patent and by the registration of the drawing or design, provided that he pays the fees due on both applications.

### **Article 10**

[Beneficiaries of protection]

Without prejudice to the provisions of international agreements in force in Lebanon, the protection stipulated by the present law, shall apply to the following parties:

1. Each Lebanese natural or moral person, wherever he resides.

2. Each natural or moral national of any country member of the Paris Union or of other treaties and agreements to which Lebanon is a signatory and which stipulates that Lebanese nationals should receive a treatment no less favorable than the treatment accorded to the nationals of the countries members of such treaties and agreements.
3. Each Lebanese natural or moral nationals, who are domiciled or who have real and effective industrial or commercial establishments in Lebanon or in one of the member countries of the agreements or treaties prescribed in Paragraph b of this Article.

If the applicant is a non-Lebanese citizen or resident, he should appoint an agent residing in Lebanon.

#### **Article 11**

[The person entitled to file a drawing or design ]

1. The right to file an industrial drawing or design shall be conferred to the inventor of such drawing or design or to his assignee. The first person who files a drawing or design shall be considered its inventor, unless proved to the contrary.
2. If two or more individuals have jointly developed one drawing or design , the right and ownership of such drawing or design shall vest in them jointly unless otherwise agreed upon in writing.
3. If two or more individuals have developed the same drawing or design independently of each other, the right to such drawing or design shall be vest with the first applicant.

#### **Article 12**

[The person entitled to file a drawing or design if the inventor is an employee]

If the inventor is an employee and in the absence of a written agreement to the contrary which is more beneficial to the employee, the right holder of the industrial drawing or design shall be determined in accordance with the following:

1. The employer shall be entitled for the ownership of the drawing or design developed by the employee in the performance of an employment contract which dictates that the employee's job includes innovative functions, or in conducting research, studies, and experiments expressly assigned by such employer.
2. All other inventions shall be owned by the employee.

3. If the invention of the drawing or design took place while the employee was executing his job, or such invention is within the activities of the employer due to information provided by the employer or utilizing means or technologies related to the employer, then the employer shall have the right to inform the employee by a written notice about his desire to own the rights resulting from such drawing or design or to partially or totally utilize such, within 6 months from the date of publication of such drawing or design in Lebanon, at the risk of exhaustion of such right, provided that the employee is awarded a fair compensation agreed upon amicably or through a Court of Law.

**Article 13**  
[Right of Priority]

If Lebanon is a member of an international treaty which grant reciprocal protection to industrial drawings or designs registered in any of its member countries, any national of the member countries shall have the right to file the application to the Office to protect his drawing or design and he shall enjoy a right of priority over the person who has filed an earlier application to register the same drawing or design in Lebanon, provided that his application is filed with the Office in Lebanon within 6 months from the date on which the application was first filed in his country. In this event, the date of registration in Lebanon shall be the date of filing of the application of such mark in this country and the applicant shall not have the right to initiate civil or criminal proceedings in relation to act committed before the date of the actual registration of his drawing or design in Lebanon.

**Chapter Two**  
**Filing of** drawings or designs

**Article 14**

[Register of industrial drawings or designs]

A "Register of industrial drawings or designs " shall be kept by the office under the supervision of the Head of the Office. All industrial drawings or designs shall be entered in the Register along with all data entered in the certificate of registration or renewal and the limits and attachments related to such, particularly the following:

- a. The name, nationality and place of residence of the proprietor of the drawing or design and when necessary, those of his agent;
- b. The date, hour, and serial number of the filing;
- c. The number and type of the drawing or design for which protection is sought;
- d. The requested period of protection;
- e. Any transfer, alienation or cession of ownership or authorization to use the drawing or design granted by its proprietor to a third party. Confidential provisions prescribed in the licensing agreement shall not be entered in the Register ;
- f. The mortgage or attachment related to the drawing or design or any restriction placed on its use.

**Article 15**

[Examination of register, copies of entries recorded in the register]

Any person may examine free of charge a copy of a published drawing or design available at the office by lodging a request to the Head of the Office. However the applicant and the right holders related to him and whoever proves that he is a party to judicial proceedings related to the published drawing or design may obtain a copy of that drawing or design for a fee of LBP 50.000.

**Article 16**

[Application for registration or renewal]

1. The application for registration or renewal of a drawing or design shall be filed with the Office by the inventor of such drawing or design or his agent in accordance with the following:

1. The application for registration or renewal shall, at the risk of being rejected, contain the following:

- a. The name, nationality and full address of the applicant, and those of his agent when necessary;

- b. The number and type of drawings or designs for which registration is sought. The number of drawings or designs shall not exceed 100 for each process of registration, and in this case the drawings or designs shall constitute a homogenous unit and shall be numbered from 1 to 100;
- c. When necessary, the drawings or designs for which publication is requested shall be mentioned by their serial number;
- d. If the applicant chooses confidential filing, the drawings or designs shall be placed in sealed boxes that will be kept by the Office.

2. The application should enclose the following:

- a. If the applicant is represented by an agent, a power of attorney bearing a special signature;
- b. Description of the drawing or design for which registration is sought, in two copies;
- c. Illustrative drawings of the drawing or design for which registration is sought.

3. The applicant or his agent shall sign the application and its attached documents.

4. The right of priority prescribed for in Article 13 of the present Law may be requested when filing for registration in Lebanon. The right of priority may also be requested within a period of two months from the date of filing of the application in Lebanon. In any one case, any person desiring to take advantage of the right of priority of a previous filing must be required to submit a certified copy of the first application or registration along with an official certificate issued by the competent authority proving the date of the filing and the country in which it was made, within 6 months from the date of filing in Lebanon.

#### **Article 17**

[Fees, date of Application]

The application for registration or renewal shall only be examined upon the payment of a fee of LBP 250.000 plus an additional fee of LBP 10.000 for each filed drawing or design. The date of delivering the payment receipt to the Office shall be considered to be the date of filing of the application.

#### **Article 18**

[Examination of designs or drawings]

1. The Office shall receive the application and its attachments in order to determine whether it complies with the formal requirements prescribed in Article 16 of this Law.
2. The Office shall also determine whether the drawing or design qualifies for registration under the provisions of Articles 3 to 9 of the present Law.

3. The procedures prescribed in paragraphs (1) and (2) of this Article shall not apply to renewal applications.

### **Article 19**

[Filing rejection, appeal against rejection]

1. If the drawing or design is of the type prescribed in Article 8 of the present Law, the Head of the Office shall notify the applicant of such findings within 10 days from the date of filing, otherwise the application is deemed accepted. The applicant shall submit his remarks about such findings within 20 days of being notified of such.

2. The Head of the Office shall submit the file enclosed with a detailed report and the remarks of the applicant to the Minister in proper administrative sequence within no more than 10 days of being notified of such.

3. The Minister shall issue a decision either to approve or reject the application within 20 days from the date on which the report of the Head of the Office is presented to him. The non issuance of a decision by the Minister within this time limit indicates an implicit approval.

4. The applicant may appeal against the decision of the Minister before the court in due form of Law, within 30 days from the date on which he is notified of such decision.

5. If the filing application is rejected by virtue of a decision rendered by the court, all collected fees shall be deemed revenues of the Treasury.

### **Article 20**

[Confidential filing]

1. The applicant may at the time of filing request the publication of all the drawings or designs that he files, in full or in part. The applicant remains eligible for this right during the first 5 years after the date of filing, on condition that he pays an additional fee of LBP 50.000 when publication of filing takes place, plus a fee of LBP 10.000 on each filed drawing or design.
2. If the applicant did not request the publication of the filed drawings or designs within the first five year following the date of filing, the sealed box shall be put at the disposal of the applicant who may keep the filing valid with regard to the box content, in full or in part. In this case, the applicant shall submit an application to the Head of the Office enclosed with the drawing or design for which publication is sought and pay the additional fee prescribed in Paragraph (a) of this Article. The Head of the Office shall then open the sealed box and verify that the drawings or designs for which publication is sought are similar to those submitted by the applicant. The Head of the Office shall put a seal and date on the two

drawings or designs filed with the Office, give one to the applicant and keep one at the Office in order to make it available to the public in accordance with Article 15 of the present Law. The remaining drawings or designs for which confidential filing is no longer sought by the applicant shall all be put in a sealed envelope after authentication of each of the double copies. The box shall then be re-sealed in order to be returned to the applicant, when necessary.

3. If, at the end of the first five years, the applicant makes a request to keep the filing confidential, the Head of the Office shall open the sealed box and removes the requested double copies and their related data and put them all in a sealed box after authentication of each of both copies, the box is then re-sealed in order to be returned to the applicant when necessary.
4. If after the expiration of the five years following first filing, the applicant did not make a request to publish the filed material or extend the confidential filing, the Head of the Office shall open the box. If the applicant did not request to get the box back during the next month, the drawings or designs that may be exploited shall be distributed to concerned industrial establishments or technical institutes in Lebanon, which might benefit from them. The name and address of the applicant shall remain affixed on the material, drawing or design which become a public property after the expiration of their protection period.

#### **Article 21**

[Keeping confidentiality of filing]

Without prejudice to the provisions of Article 20 of the present Law, the undisclosed designs or drawings shall be kept in confidence by the Office throughout the period of confidential filing.

#### **Article 22**

[Certificate of registration or renewal of registration]

1. The Head of the Office shall issue a certificate of registration or renewal of a drawing or design within 15 days as of the date of filing or that of submission of the renewal application.
2. Such certificate must contain the data recorded in the application and the filing number, date and time.
3. Certificates related to industrial drawings or designs shall be issued with no guarantee of novelty of such drawings or designs.

**Article 23**

[Publication of the registration of designs or drawings]

All industrial drawings or designs filed and renewed and all legal notes related to them shall be published in the Publication at the expense of the proprietor of such drawing or design, and electronically on the website of the Ministry.

**Chapter Three**  
**Rights conferred by the registration of designs or drawings**

**Article 24**

[Registration is a condition to allege ownership]

Personal ownership of an industrial drawing or design shall only be alleged after such drawing or design has been registered at the Office, under the provisions of the present Law.

**Article 25**

[Registration creates a presumption of ownership, ownership is acquired by use]

The registration itself does not prove ownership of an industrial drawing or design, but it creates a presumption of ownership until proved to the contrary. Real ownership is acquired by the use of the drawing or design.

**Article 26**

[The entry into force of the effects of registration]

The registration shall take effect on the date on which the application for registration of an industrial drawing or design has been filed, as prescribed in Article 17 of the present Law.

**Article 27**

[The rights of the proprietor of the drawing or design]

The proprietor of an industrial drawing or design shall have an exclusive right to exploit that drawing or design, including inter alias the following:

- a. To manufacture, sell, offer to sell, promote, use, import, export and possess a product in which the drawing or design is incorporated or to which it is applied;
- b. To prohibit third parties from manufacturing, selling or importing in the course of trade, a product in which the drawing or design is incorporated or to which it is applied, without his permission.

**Article 28**

[Limitation of the rights conferred to the right holder]

It shall not be considered an act of infringement of the rights conferred to the right holder to use the drawing or design for personal non commercial or industrial purposes, or for experimental, educational and scientific research purposes, provided that such acts do not

prejudice the rights and interests of the right holder or the legitimate interests of third parties.

### **Article 29**

[Protection period and renewal terms]

The protection term conferred to public or confidential filing after the expiry of the first five-year period shall be 15 years counted from the date of first filing prescribed in Article 15 of the present Law. The protection term may be renewed only once, at the request of the person who filed the industrial drawing or design or his assignee.

Each request for renewal shall be made during the last 3 months of the last year. A renewal fee of LBP 200.000 shall be paid for each request of renewal plus a fee of LBP 10.000 for each filed drawing or design.

A grace period of six months shall be allowed from the date of expiry of the protection term, for the filing of a request for renewal and the payment of the due fee and the delay penalty of LBP 100.000.

Renewal shall take effect as from the date of the expiration of the precedent term of protection.

**Chapter Four**  
**Transfer and exhaustion of the rights conferred by registration of** drawings or  
designs

**Article 30**  
(Transferability of the drawings or designs rights)

Industrial drawings or designs rights may be transferred, in whole or in part, free of charge or against payment of a fee. Such rights may also be assigned by virtue of an exclusive or non-exclusive license or hypothecation contract and transferred by inheritance or by legacy.

**Article 31**  
[Requirements of drawings or designs -related agreements]

Any agreement related to a drawing or design is not effective unless it is in writing. Agreements related to registered industrial drawings or designs shall apply to third parties only from the date of their registration in the register of industrial drawings or designs kept by the Office.

Registration shall be made at the request of one of the parties to the agreement within 3 months from the date of signature of the agreement, taking into account legal time limits and distance, against payment of a fee of LBP 100.000. A penalty of LBP 50.000 shall be levied for each one month delay.

**Article 32**  
[Cancellation of the agreement from the register]

The entry of the agreement related to the drawing or design prescribed in Article 31 of the present Law shall be deleted, on the consent of the contracting parties or pursuant to an irreversible judicial order.

**Article 33**  
[Requesting an attestation of a drawing or design entry listed in the register]

Each person have the right to request from the Office an attestation of the entries of drawings or designs listed in the register against the payment of a fee of LBP 50.000.

**Article 34**  
[Recording amendments in the register]

Any amendments to the name, address, or legal status of the proprietor of an industrial drawing or design shall be recorded in the Register against a payment of a fee of LBP 50.000.

**Article 35**

[Seizure of a registered drawing or design]

Registered drawings or designs may be seized.

The order of the seizure shall be notified to the proprietor of the industrial drawing or design and to the right holders whose names are noted in the Register and to the Office so that such decision is recorded in the Register.

**Article 36**

[Proceedings to invalidation the registration of a drawing or design]

- a. Any interested person may institute proceedings before the competent court to invalidate the registration of any drawing or design that does not comply with the provisions of this Law.
- b. The Head of the Office and the Public Prosecutor may intervene in the proceedings, and may institute the proceedings in the cases prescribed in Article 8 of the present Law.
- c. The summons of the proceedings shall be served to the right holders whose names are inscribed in the Register and to the Office so that the latter record it in the Register.

**Chapter Five**  
**Precautionary measures**

**Article 37**

[Precautionary measures necessary to prevent infringements]

- a. Where there are fears that an infringement within the meaning of this Law might occur, or that evidence related to an infringement might be destroyed, the right holder of an industrial drawing or design filed in due form may take all precautionary measures necessary to prevent such infringement from occurring.
- b. The civil court handling the case and the competent public prosecutor shall have the right to take the precautionary measures prescribed in paragraph (a) above. The Judge of urgent matters, the Civil Court handling the case and the competent Public Prosecutor may order the applicant to provide an adequate security.
- c. Such decisions shall be served to the official authorities including the customs in order for such authorities to act accordingly.
- d. The Judge of urgent matters may take decisions permissible by law such as injunction protect the infringed right, and may in order to execute his decisions impose compulsory fines.
- e. The claimant of precautionary measures shall institute the legal proceedings before a judge who acts with a subject matter jurisdiction, within a period of 31 days counted from the day on which the decision has been issued, at the risk of voiding such procedures.

**Article 37 (bis)**

Without prejudice to the protection of confidential information, customs authorities may give the right holder sufficient opportunity to have any goods detained by the customs authorities inspected in order to substantiate the right holder's claims, according to the procedures laid down by the Higher Customs Council, following consultation with the Director General of Customs.

**Article 38**

[Describing, sampling and making an inventory of all infringing goods, and designating a custodian to guard such goods]

The Judge of urgent matters, the civil court handling the proceedings and the competent Public Prosecutor may, order to describe and make an inventory of all items found to be infringing the rights of the proprietor of a drawing or industrial design or evidence of infringement wherever it is located, to take samples of such items and seize them in the custody of their possessor with or without a bond. He may for this purpose designate any expert he deems appropriate to take the necessary actions.

Seizures made by The Customs Authority shall be subject to the procedures prescribed in the Customs Law.

### **Article 39**

[The attributes which enable a person to perform the acts of describing and sampling and the judicial police capacity]

1. a. Officers of Interior Security Forces, customs employees and employees of the Intellectual Property Protection Office have the capacity to describe sample and make an inventory of any item that constitute an infringement of the rights of the proprietor of a drawing or design. Such employees shall act pursuant to a decision or mandate issued by the Judge of urgent matters, the Civil Court handling the proceedings, the competent Public Prosecutor or the Head of the Intellectual Property Protection Office each according to his competence.
  - a. Customs officers shall have the exclusive right to perform ex officio all above-mentioned tasks, or upon mandate from the competent authorities, within the prerogatives prescribed in the Customs Law.
2. Employees of the Office under oath shall have the capacity to act as judicial police in the implementation of the provisions of the present Law.
3. The employees mentioned in paragraph (a) are not obligated to inform the possessor of imitated or counterfeited products, of the order given to them, before the report is initiated, unless they are requested to do so.
4. Upon the initiation of the report, the employee shall identify himself and show a copy of the order given to him by the competent authority or administration.
5. Upon completion of the inspection, the employee shall provide the possessor of suspected goods with a copy of the decision or mandate, a copy of the report and a copy of the inventory list.

### **Article 40**

[Drawing a report of the samples taken]

1. A report shall be drawn to list all the samples taken and to describe and make inventory of all suspected items;

The report shall include the following:

1. The name and title of the report executor;
2. The authority that caused the decision or mandate to be issued and the date of such decision or mandate;

3. The date, place and time where the decision or mandate shall be executed;
  4. Identity, address and profession of the possessor of such goods;
  5. Detailed list of the suspected goods including the quantity, type and description of such goods;
  6. Purport and signature of the possessor mentioned in the report and inventory list, if drawn up separately. If the holder fails to sign, such shall be stated;
  7. Signature of the report executor.
2. The possessor of suspected goods shall note in the report all the information and reservations that he deems to be of benefit.

#### **Article 41**

[The person entitled to institute infringement proceedings]

Infringement proceedings shall be brought by the proprietor of the registered industrial drawing or design . However, unless a written agreement provided otherwise, the person who benefit from an exclusive or non exclusive right to exploit the industrial drawing or design, shall be entitled to take precautionary measures and bring infringement proceedings, if he had called on the proprietor of the drawing or design to bring infringement proceedings and the latter failed to do so within 90 days after being called upon. Whoever has the right to exploit the drawing or design may participate to the infringement proceedings brought by the proprietor of such drawing or design to recover a compensation for the damages that he incurred.

#### **Article 42**

[Civil or criminal proceedings initiated against the possessor of the suspected goods]

Civil or criminal proceedings shall be brought before the competent court against the possessor of suspected goods and infringers of the rights of the proprietor of the industrial drawing or design, within a period of 31 days counted from the date of the report of inspection, at the risk of annulling the report and confiscating the bond, if any.

#### **Article 43**

[Seizure of suspected goods]

The Court may, upon the request of the plaintiff, and before a judgment is pronounced, seize all suspected goods listed in the report and inventory, with or without a bond.

The decision shall designate the employee empowered to make the seizure, the location where such goods shall be placed, their designated custodian and the value of the bond, if any.

**Article 44**

[Copies to be furnished to the distrainee]

The person whose property has been seized shall receive copies of the following:

- a. The seizure order.
- b. The bond (guarantee), if imposed.
- c. The report of the seizure.
- d. The inventory of the seized items, instruments and equipments.

**Article 45**

[Fees collected from the claimant of inspection or seizure]

The Intellectual Property Protection Office shall collect from the claimant of inspection or seizure a lump fee of LBP 100.000 for each transaction carried out through the intermediary of such Office.

**Article 46**

[Notification of the Judicial Decision]

Each judicial decision taken under the provisions of the present Law shall be notified to the Office within a period of 15 working days starting from the issuance of such decision.

**Article 47**

[The proportion deducted from the value of fines and penalties]

15% of the fines and penalties levied under the provisions of this Law shall be allocated for the remuneration of the Office employees. The procedure of distributing the deducted amounts shall be determined by a decision issued by the Minister of Economy and Trade at the suggestion of the Director General.

**Chapter Six**  
**Infringements and Penalties**

**Article 48**

[Definition of the infringement of the rights of the proprietor of a registered industrial drawing or design]

It shall be considered an act of infringement of the rights of the proprietor of an industrial drawing or design to carry out any of the following acts in Lebanon without the prior permission of the proprietor of the industrial drawing or design:

1. Imitate an industrial drawing or design filed in due form.
2. Whoever knowingly sells, offer to sell, circulate, import, export or possess with the purpose of trading, products bearing an imitated industrial drawing or design, which have been duly filed;
3. Whoever, in bad faith, affixes to a product, ads, trademarks, packaging tools or other, statements that lead to believe that he an industrial drawing or design has been filed.

**Article 49**

(Imprisonment and Fine)

Shall be punished by imprisonment from 2 months to 2 years or by a fine ranging from LBP 5 million to LBP 50 million, or by both such fine and imprisonment:

1. Whoever imitates an industrial drawing or design filed in due form;
2. Whoever knowingly sells, offer to sell, circulate, import, export or possess with the purpose of trading, products bearing an imitated industrial drawing or design, which have been duly deposited;
3. Whoever, in bad faith, affixes to a product, ads, trademarks, packaging tools or other, statements that lead to believe that an industrial drawing or design has been filed.

**Article 50**

[Penalties should be doubled in case of repetition]

The penalties prescribed in this chapter shall be doubled, if infringements are repeated, or if the infringer has concluded a contract with the proprietor of the industrial drawing or design.

### **Article 50 (bis)**

The provisions of the present Law shall not apply to small consignment of modest value or to small quantities of non commercial nature imported or exported as personal effects and as items accompanying travelers.

### **Article 51**

[Indemnification of Right Holders]

Whoever infringes the right of the proprietor of an industrial drawing or design must provide to the injured party adequate compensation for the material and moral injury, loss of profits, profit made by the infringer, subsequent losses, actual attorney's fees and legal proceedings fees.

### **Article 52**

[Secondary Penalties]

Each verdict pronounced with regard to any of the offences punishable under the present Law shall include the following:

- The verdict shall, for a period of 30 days, be posted in the locations designated by the court, the offices of the losing party and in the Chamber of Commerce, Industry and Agriculture. Such verdict shall also be published in two wide-spread newspapers at the expense of the losing party.
- The condemned shall lose his eligibility to vote or to run for membership in the Parliament, municipal and optional councils, board of directors of chambers of commerce and associations, syndicates, co-operatives and in labor arbitrations councils, for a period not exceeding five years.

### **Article 53**

[Damages in case of acquittal]

Even if the accused is acquitted of the criminal offense, the injured party shall be awarded damages. The infringing items and the machines and equipments which have been predominantly used in the manufacturing of such items shall be confiscated; the court may order to destroy such items, machines and equipments or to dispose of them for any non commercial purpose.