

# Arab Sub-Regional Meeting on Industrial Designs

Beirut,  
6-7 December 2018

## The Protection of Industrial Designs in Lebanon

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# Topics

- Legal Framework for Industrial Design Protection in Lebanon
- Conditions for Industrial Design Protection
- Legal Proceedings for Industrial Design Protection
- Case Studies



# Legal Framework

# Legal Framework

- Decree-Law No. 2385/24 related to the protection of Industrial Properties in Lebanon
- Penal Code (Articles 710- 711 and 712)
- Paris Convention related to Industrial Properties
- Draft Law on Industrial Designs (Pending since 2007)



# Conditions for Protection

# Eligibility for Protection?!

- Novel
  - Design
  - Material
- Creative
- Registered in Lebanon (before use in commerce)



# Enforcement of Industrial Designs

# Possible legal proceedings?!

- Judge of Summary Matters
- Criminal Proceedings
- Civil Proceedings
- EX-Officio





# Judge of Summary Matters?!

## ■ Expert Appointment

### ٢- فيما يتعلق بالنموذج الثالث أي حقيبة اليد

- أ- ان مصنع الحقيبة المقلدة زاد عليها السلسال وهو غير موجود في الحقيبة الأصلية، وفي كل الأحوال يمكن إخفاء السلسال في الداخل كما تُظهره الصورة أعلاه،
- ب- كما ان نوعية البلورات من الكريستال تختلف عن تلك المقلدة، لأن البضاعة المقلدة أقل لمعاناً من تلك الأصلية،
- وايضاً جودة التصنيع Finissage تختلف عن الأصلي وهي أقل جودة، ولكن بشكل هام لا يستطيع المستهلك ان يلاحظها



- لمعان الكريستال في النموذج الأصلي يختلف عن الكريستال في النموذج المقلد
- في المحصلة، يمكن التأكيد انه يوجد تشابه تام بين المنتجات الأصلية وتلك المقلدة، من ناحية التصميم الخارجي للحذاء ولحقيبة اليد، وكذلك للمسح الشامل للون الأحمر لتنعيل الحذاء،

# Petitions for EX-PARTE Seizure



- Filing a Petition
- Issuance of the Seizure Order
- Execution of the seizure Order
- Possible Objection by the Counterpart within 8 days
- Filing a legal action in the merit before the competent Court (Civil/Criminal) within 15 days

# Criminal Proceedings?!

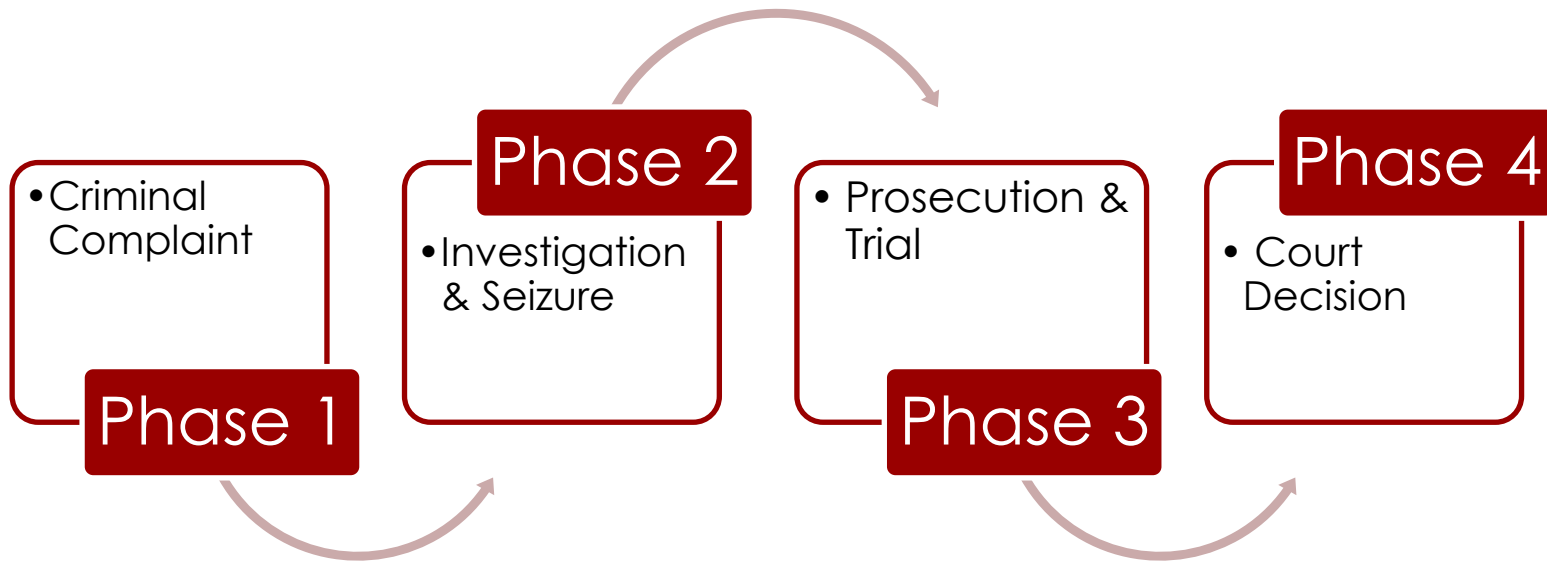
- Seizure of infringing Products



# Criminal Proceedings?!

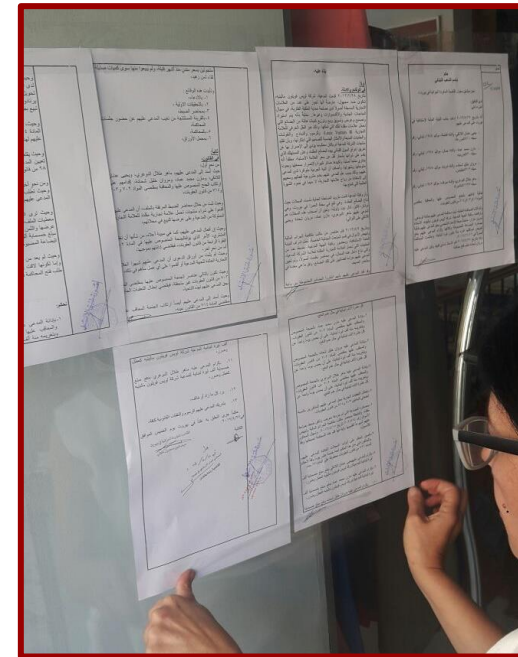


## ■ Trial



# Criminal Proceedings?!

- Sanctions
- Imprisonment/Fine
- Indemnities
- Destruction
- Publication



# Civil Proceedings?!

- Seizure of infringing products
- Claiming of indemnities for industrial design infringement or unfair competition



# Remedies in civil actions?

- Indemnities
- Seizure, confiscation and destruction of infringing products
- Coercive fine for each day delay in executing the Court Decision
- Publication of the Court decision



# Ex-Officio?!

- Public Prosecution
- Customs
- Ministry of Economy & Trade





# Case Studies

# Luxury Brand Shoe



- Court of First Instance of Beirut (2016)
- The Industrial Design is distinctive in relation to the design and materials and thus eligible for protection.
- The Court considered the whole similarities rather than the differences between the original and infringing product
- The similarity might lead to the confusion in the consumers mind
- The elements of Industrial Design infringement and Unfair Competition are met.
- Cease any use of the Industrial Design under a coercive fine for each day delay in executing the Decision

# Furniture Industry



- Criminal Court of Cassation (2007)
- The designs of furniture are eligible for protection
- The use of the Industrial Design in the industrial field is primary for its protection
- The Court considered the whole similarity rather than the small differences
- The similarities might lead to the confusion in the consumers mind
- Payment of Indemnities to the right holder
- Cease any manufacturing of the infringing design and their seizure if any

# Plastic cups

- Judge of Summary of Matters of Metn (2003)
- The Judge considered that the transparent Plastic Cups are not entitled protection due to the lack of creativity and similar products are previously available in the Lebanese Market





**IN  
ORDER  
TO BE  
IRREPLACEABLE  
ONE MUST  
ALWAYS  
BE DIFFERENT.  
- COCO CHANEL**



# Questions?

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