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?!
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?!
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
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 then 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 then 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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