

**Draft Law on the Protection of  
Industrial Marks, Trademarks and Service Marks**

**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.
- **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.
- **Mark:** The Industrial mark, the trademark and the service mark.
- **Register:** The register of marks at the Office prescribed in Article 11 of this Law.
- **Application:** The application for the registration of the mark.
- **Director General:** The General Director of the Ministry of Economy and Trade.
- **Opposition Committee:** The Committee which handles oppositions to registration or refusal of marks.
- **Court:** The court of appeal of Beirut which has jurisdiction over commercial cases.
- **Publication:** An intellectual property supplement issued weekly with the Official Gazette.
- **Declaration of Marks:** A document filed with the Office containing the name and address of the applicant and the name and address of his agent if any, a detailed description of the mark, and a list of goods and/or services on which the mark will be affixed.
- **Paris Convention:** the Paris Convention for the Protection of Industrial Property signed in 1883, as revised and amended.
- **Paris Union:** the union of countries party to the Paris convention.
- **International Classification:** The classification established by the Nice Agreement of 1957 as amended, concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

**Article 2**  
[Definition of Marks]

A mark is any sign capable of being represented by a specific name or a form which is capable of distinguishing goods or services of one legal or natural person from those of other legal or natural person.

The distinctiveness of a mark shall be evaluated on the grounds of the goods or services to which the mark belongs.

For the purposes of this Law, the term “mark” may consist, inter alias, of one of the following signs or of any combination of such signs:

- a. Names of all kinds such as personal names, pseudonyms, words, expressions, letters, descriptions, numerals and emblems.
- b. Forms such as drawings including protruding designs, stamps, figures, the shape of goods or their packaging, colors, combinations or degradations of colors, and three-dimensional signs.
- c. Audio signs such as sounds and musical phrases taste and scents. The registration conditions and procedures of each of these marks shall be determined by a council of ministers' decree at the suggestion of the Minister of Economy and Trade.

**Article 3**  
[Type of Marks]

A mark is optional unless provided to the contrary.

A mark may be individual or collective.

**Article 4**  
[Collective Marks]

A collective mark is a sign used to distinguish the goods or services produced by the members of a cooperative, association, or union which is the proprietor of the mark. It shall not be required that such cooperative, association or collective group own an industrial or commercial establishment anywhere in a country member of the Paris Union or a in a country member of any other industrial property-related treaty to which Lebanon is a party and which extends reciprocal rights to nationals of Lebanon.

**Article 5**  
[Certification Marks]

A certification mark is any mark used by a natural person or a legal entity with authorization from the proprietor of the mark and under his control, to indicate that the goods or services for which it is used are certified by the proprietor in respect of origin, quality, mode of manufacture, material, precision and other characteristics of the goods or services, provided that such goods or services are not connected to the owner of the mark or to any establishment with which the owner is connected by close commercial relationship.

**Article 6**  
[Provisions applied to Marks]

The provisions of this law shall equally apply to individual and collective marks in so far as there is no contradiction to their nature, unless expressly provided to the contrary.

Certification marks shall be subjected, in addition to the provisions of this Law, to the following special provisions:

- a. The application for the registration of a certification mark shall be filed with the Office, accompanied by regulations which will govern the use of the certification mark.
- b. A certification mark may be used by everybody whose products or services comply with the requirements set out in the regulation concerning the use of such mark, except for its proprietor.
- c. The proprietor of the certification mark shall not refuse to grant the right of use of the mark to any person who fulfills the requirements prescribed in the above mentioned regulations on the use of the mark.
- d. The proprietor of the registered certification mark shall notify the Office of any changes brought to the regulations concerning the use of his mark.
- e. The certification may not be transferred, seized mortgaged or subject to any executive procedure. However, in the event of liquidation of the legal entity proprietor of the mark, the mark may be transferred to another legal person having the same intentions.
- f. Pursuant to the provisions of Article 39 of this Law, a certification mark that had been already used and is no longer legally protected shall not be registered unless 10 years have elapsed as from the date of lapse of the right to such protection.

- g. Where any of the above mentioned requirements is not satisfied, or where the regulations concerning the use of the mark and its related legislations are not respected, the registration of the certification mark shall be cancelled at the request of the Public Prosecutor or any interested person.

### **Article 7**

[Well-Known Marks]

A well Known mark is a mark which has become reputable in that section of the public concerned by the goods or services to which the mark applies.

For the purposes of this law, in determining whether a mark is a well known mark, the competent authority shall take into account any circumstances from which it may be inferred that the mark is well known, in particular the following:

- a. The degree of knowledge or recognition of the mark in the relevant sector of the public.
- b. The duration, extent and geographical area of any use or advertising of the mark.

Relevant sectors of the public shall include, but shall not necessarily be limited to:

- a. Actual and/or potential consumers of the type of goods and/or services to which the mark applies.
- b. Persons involved in channels of distribution of the type of goods and/or services to which the mark applies.
- c. Business circles or economic circles dealing with the type of goods and/or services to which the mark applies.

### **Article 8**

[Signs that may not be registered as marks]

The following signs shall not be considered to be marks or elements of marks:

- a. Signs prejudicing earlier rights, in particular the following:
  - 1. Signs that are identical with or similar to a mark belonging to a different proprietor and already on the Register, or with an earlier filing or priority date, in respect of identical or similar goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion.

2. Photos, family name, surname or emblems of a third party without his consent.
  3. Signs prejudicing protected copyrights, drawings or industrial designs.
  4. Signs prejudicing protected appellations of origin or geographical indications.
- b. Signs devoid of any distinctive character, such as signs or indications which have become necessary or customary in the current language or in the established practice of trade, or such as signs or indications which may serve to designate characteristics of the goods or services in particular the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the goods or of rendering of the service. However distinctiveness may be acquired by use.
  - c. Signs, which consist exclusively of the shape which results from the nature or the function of the goods themselves.
  - d. Signs excluded by the Paris Convention in particular armorial bearings, decorations and flags and other symbols and emblems of governmental or international organizations or of any country with which Lebanon has concluded international agreements in this regard or on the condition of reciprocal treatment, and official hallmarks of control and any imitation, without the permission of the competent country or organization.
  - e. Signs which are identical with, similar to or are an imitation of symbols, names or emblems that touch the public such as religious symbols.
  - f. Signs which are identical with, similar to or are an imitation of the symbols of the Red Cross or the Red Crescent and other similar symbols, and all imitations thereof.
  - g. Signs which are contrary to public order or morality.
  - h. Signs which are liable to mislead the public or include false allegations as to the origin or other characteristics of the goods or services concerned, and signs that contain an illusionary, imitated or counterfeited indication of a trade name. Signs prejudicing a trade name if it is likely to confuse the public.
  - i. Signs identical with, or confusingly similar to, or constitutes a translation of a well-known mark in Lebanon, used for distinguishing goods or services identical or confusingly similar to the goods or services represented by such well-known mark.
  - j. An essential part of a mark if it is identical with, or confusingly similar to a well-know mark.

- k. Signs identical with, or similar to, or constitutes a translation of a mark which is well known and registered in Lebanon, used for distinguishing goods or services which are not identical or similar to those in respect of which the well-known and registered mark is affixed, and which may indicate a connection between those goods or services and the proprietor of the well-known and registered mark and that may damage the interests of the proprietor of the well-known and registered mark.
- l. Geographical indications with respect to goods not originating in the territory indicated in the trademark, if use of the indication in the trademark for such goods in Lebanon is of such a nature as to mislead the public in Lebanon as to the true place of origin.
- m. Geographical indications of wines or spirits that may indicate or suggest that the goods originate in a geographical area other than the true place of origin.

**Article 9**  
**[Beneficiaries of Protection]**

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

- a. Lebanese natural persons or legal entities, regardless of their place of residence.
- b. Nationals of any country of the Paris Union, whether natural persons or legal entities, provided that the conditions and formalities imposed upon nationals are complied with.
- c. Nationals of any member country of any other agreement on industrial property, 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 such member countries.
- d. Non Lebanese nationals, whether natural persons or legal entities, who are domiciled or who have real and effective industrial or commercial establishments in Lebanon or in the territory of one of the member countries to agreements on industrial property that are binding to Lebanon.

If the applicant is a non-Lebanese or if he is not residing in Lebanon, he should appoint an agent residing in Lebanon.

**Article 10**  
[Right of Priority]

If Lebanon is a member of an international treaty which grant reciprocal protection to trade marks 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 mark and he shall enjoy a right of priority over the person who has filed an earlier application to register the same mark 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 sue for acts committed prior to the date on which his mark was registered in Lebanon.

**Chapter Two**  
**Registration of Marks**

**Article 11**  
[Register of Marks]

A "Register of Marks" shall be kept at the office under the supervision of the Head of the Office. It shall include all marks and all data recorded in the certificate of registration or of renewal as well as all related acts, in particular the following:

- a. The names and addresses of the proprietors of the marks or of their agents, if need be;
- b. Any transfer of ownership or authorization for use granted by the proprietor to a third party, with the exception of the provisions of confidentiality specified in the licensing contract;
- c. The mortgage or attachment related to a mark or any restrictions placed on its use.

**Article 12**  
[Consultation of Register, Copies of Entries in Register]

Any person shall, upon a payment of a fee of LBP 50.000, have the right to consult the register or to request a true certified copy of entries in the register.

**Article 13**  
[Application for Registration or Renewal]

1. The application for registration or renewal of a mark shall be filed with the Office in accordance with the following:
  - a. The application for registration or renewal shall contain the following:
    1. The name, nationality and full address of the applicant, and where the applicant has a representative, the name and address of that representative.
    2. A brief description of the mark.
    3. A list of the goods and/or services for which the registration is sought and their classes according to the International Classification.
  - b. The following should be attached to the application:
    1. Where the applicant has a representative, a power of attorney bearing a special signature.



2. Six specimens of the mark.
  3. A photographic film and three specimens of the mark.
  4. Where the application is filed for the registration of a collective mark, an express statement to that effect should be made, and the application should enclose the regulations concerning the use of the collective mark authenticated by a notary public.
- c. Where the application is filed for the registration or renewal of a certification mark, an express statement to that effect should be made, and the application should enclose the regulations concerning the use of the collective mark authenticated by a notary public. The regulations concerning the use of a mark include the following:
1. Characteristics of the goods or services to which the mark applies.
  2. The audit procedures to be followed by the proprietor of the mark.
  3. Terms of use of the mark.

These provisions shall apply to all certification marks including those owned by government agencies and bodies.

- d. The right of priority provided for in Article 10 of this Law may be requested when filing for registration in Lebanon. The right of priority shall 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. The said official certificate shall be submitted within 6 months from the date of filing in Lebanon.

#### **Article 14**

[Fees, Date of Application]

Registration or renewal of a mark shall be subject to an advance payment of a fee of LBP 250.000 for each type of goods or services included in the registration or renewal application. The date of returning the receipt to the Office shall be considered to be the date of filing of the application.

### **Article 15**

[Examination of Application]

- a. The Office shall examine whether the application for registration of a mark meets the formal requirements prescribed in Article 13 of this Law.
- b. The Office shall also examine whether the mark qualify for registration under the provisions of Article 2 and 8 of this Law.
- c. The procedures prescribed in paragraphs (1) and (2) of this Article shall not apply to renewal applications.

### **Article 16**

[The Committee handling oppositions to Registration of Marks]

A committee shall be established to handle opposition to registration of marks or to refusal of registration of marks. Such committee shall be formed by virtue of a decision issued by the Minister of Economy and Trade and shall be composed of a judge of the 6<sup>th</sup> grade at least acting as president and mandated by the Minister of Justice in consultation with the Higher Judicial Council, and of the Head of the Office and a trademark expert acting as members. The Minister's decision shall also determine the procedures and mechanism of the operations of the committee and put a list of experts' names.

### **Article 17**

[Refusal to Register Marks and Appeal against the Decision of Refusal]

- a. Where under the provisions of Article 15, a mark is not registrable, the Head of the Office shall adopt a decision to refuse the registration of the mark.
- b. The applicant may, within 30 working days as of the date of issuance of the refusal decision, object to the decision of the Office before the Opposition Committee. The opposition shall be submitted in writing to the Intellectual Property Protection Office at the Ministry of Economy and Trade. The Office shall, within 5 days as from receipt of the opposition, send a copy thereof to the Committee.
- c. The Committee shall within 20 days following the receipt of the petition, issue a justified decision either to approve or reject the application. The Committee shall bind in its decision the applicant to implement the provisions deemed by such Committee to be convenient in preparation of the acceptance of registration.
- d. The decisions of the Committee may be appealed before the Civil Court of Appeal of Beirut, in due form of Law.
- e. If registration application is rejected at the decision of the Committee or at the Court's decision, all collected fees shall be considered to be revenues of the treasury.

### **Article 18**

#### [Opposition to Registration]

- a. If it is found that the mark is eligible for registration in accordance with the provisions of Article 13 of this Law or in accordance with a decision issued by the Opposition Committee or the competent court, the Office shall publish a declaration of the mark in the Publication at the expense of the applicant. The decision shall also be published on the website of the Ministry.
- b. Within a period of 30 days following the publication of the declaration of the mark, the right holders may submit to the Opposition Committee, by the intermediary of the Office a written opposition to the registration of the mark, subject to the payment of an opposition fee of LBP100 000. The Office shall communicate one copy of the opposition to the proprietor of the mark against which the opposition is filed or his representative, within a period of 10 days from the date of receiving the opposition. The applicant shall, within 30 days after he has been notified of the opposition, submit to the office a written reply to the opposition. Should the proprietor of the mark fail to submit a reply to the Office within the prescribed period of time, he shall be considered to have abandoned his application.
- c. The committee shall, within 20 days after both parties to the dispute have been heard, make a justified decision determining whether the registration has been accepted or rejected. The Committee shall bind in its decision the applicant to implement the provisions deemed by such Committee to be convenient in preparation of the acceptance of registration.
- d. The decisions of the Committee may be appealed before the Civil Court of Appeal of Beirut, in due form of Law.
- e. If no opposition is made against the registration application within the period of time prescribed paragraph b of this Article, the mark shall be deemed registered as of the date of filing of the application, as prescribed in Article 14 of this Law.
- f. If the registration application is rejected at the decision of the Committee or at the Court's decision, all collected fees shall be considered to be revenues of the treasury.

### **Article 19**

#### [Certificate of registration or renewal of registration]

The Head of the Office shall issue a registration certificate within 15 days as of the date of issuance of the decision of acceptance of the application for registration, in case of opposition, or at the expiration of the 30 days delay set in Article 18 above if no opposition is made.

Pursuant to the provisions of Article 28 of this Law, the head of the Office shall issue a renewal certificate 15 days after the renewal application has been filed.

Such certificate must contain the data contained in the application and the number, date and time of filing.

#### **Article 20**

[Publication of Registration of Marks]

All registered or renewed marks and all legal restrictions on their use shall be published in the Publication at the expense of the proprietor of the mark, and on the website of the Ministry.

**Chapter Three**  
**Rights Conferred by Registration of Marks**

**Article 21**

[Rights of the Proprietor of a Mark]

Without prejudice to the provisions of Articles 23 and 28 of this law:

- a. The proprietor of a registered mark shall have the exclusive right to prohibit all third parties from using in the course of trade identical or similar signs for goods or services identical or similar to those in respect of which the mark is registered, where such use would result in a likelihood of confusion. The confusion is likely to occur when identical signs are used for identical goods or services.
- b. In addition to the provisions of paragraph (a) above, the proprietor of a well know registered mark shall have the exclusive right to prohibit others from using identical or similar marks in relation to goods or services which are not identical or similar to those for which the well known mark is registered, where there is a likelihood association between those goods or services and the proprietor of the registered well known mark, and where such use is likely to prejudice the interest of the proprietor of the mark.
- c. The proprietor of a registered mark or of a non registered well know mark shall have the right to prohibit others from using identical or similar signs to the well known mark in such a manner as to confuse the public, if such use is made on goods or services identical or similar to the goods or services that attribute reputation to the mark.
- d. The proprietor of a registered mark or of a non-registered well know mark shall have the right to institute court proceedings against any person who infringes the mark by using, without his agreement, the mark as aforesaid or who performs acts which make it likely that infringement will occur. In applying the provisions concerning the cancellation of registration by other persons it shall be understood that the fundamental purpose of protection of marks is the protection of consumers against deceit, either voluntary or involuntary.

**Article 22**

[Use of Mark for Informative Purposes]

The provisions of Article 21 shall not apply to the use of the registered mark by a third person with informative purposes, such as to promote sales or engage in comparative advertisement, provided such use is not made in a manner that deceives the public or constitutes unfair competition, in accordance with the legislations governing unfair competition.

**Article 23**

[Registration is a Condition for Ownership]

No court proceedings may be instituted before the certificate of registration has been issued, unless the claim is based on an unregistered well-known mark. In this event, the proprietor of the mark must, within two months from the launching of the court proceedings, apply for registration of the mark. Until the respective certificate of registration is issued, the court proceedings shall remain suspended.

**Article 24**

[Collective Ownership of One Mark]

In case of bona fide concurrent use, or of other special circumstances which in the opinion of the Court or the Head make it proper to do so, the Court or the Head may permit the registration of marks that are identical or nearly resemble each other in respect of the same goods or services or description of goods or services by more than one proprietor provided that such use does not result in misleading the public and is not contrary to public interest. The Court or the Head of the Office may impose conditions or restrictions on such use, if such court or Head deems appropriate. Use under this Law, is any continuous, certain, and public use of the mark with the intent of acquiring and possessing such mark, prior to its registration.

**Article 25**

[Rights of prior users]

Without prejudice to the provisions of Article 8 of this Law, the prior user of a mark which is not in the Register or which is not subject to a pending application may oppose an application for a registration by another person of a similar or identical mark for similar or identical goods, in accordance with Article 18, provided such person:

- a. submits evidence that he has used that mark in good faith for at least six months prior to the filing date or the priority date, if applicable;
- b. submits written evidence that he has acquired clientele and that clientele attributes some reputation to the mark;

- c. and he files an application for registration of his own mark before he has been notified of opposition by the head of the Office.

Without prejudice to the provisions of the paragraph (i) of this Article, if no opposition is made, in the prescribed manner, against a registered mark within five years following the date of registration, no opposition can be made against the first person who registered it, with regard to right of ownership of such mark on the basis of priority of use, unless it is proved by written evidence that the person who registered the mark knew that the mark belonged to the first user, at the date of registration

#### **Article 26**

[Opposition to Registration of Marks made in Bad faith or with the Aim of Restraining Competition]

At any time, any concerned party shall have the right to oppose the registration of a mark found to be registered in bad faith or with the aim of jeopardizing fair trade competition, before the Office in accordance with Article 18 of this Law.

#### **Article 27**

[The Entry into Force of the Effects of Registration]

The registration shall take effect on the date of filing an application for registration of a mark, as provided in Article 14 of this Law.

#### **Article 28**

[Protection Period and Renewal Terms]

A registered mark shall be protected for more than 1 ten-year renewable term. Renewal may occur at the end of each ten-year period at the request of the proprietor of the mark. The request for renewal of a registration may be made before expiry of the current term of protection, but 3 months at the earliest prior to expiry of that term. A renewal fee of LBP 250 000 shall be paid for each request of renewal and for each class of goods or services included in the request.

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 of a registration shall take effect as from the day immediately following expiry of the current term of protection.

Renewal may not bring about any change of additions or omissions neither on the mark nor on the list of goods or services in respect of which the mark is registered

**Article 32**

[Application of Marks on all forms cases in which marks are used]

The provisions of this law shall apply to all forms of and cases in which marks are used in the course of trade, including, but not limited to, invoices, labels, letterheads, publications, manuals, pieces of advertisements, broadcasts and computer networks, such as the internet.



**Chapter Four**  
**Transfer and Lapse of Rights Conferred by Registration of Marks**

**Article 30**

(Transferability of Rights Conferred by Registration of Marks)

Rights conferred by the registration of marks may be transferred, in respect of some or all of the goods for which it is registered, either in connection with the good will of business or independently, for free or against the payment of a fee. Such rights shall also be assigned by virtue of an exclusive or non-exclusive license or hypothecation contract and may be transferred by inheritance or by legacy. The provisions of this Article shall not apply to certification marks.

**Article 31**

[Transfer of Ownership of the Business Independently of the Mark]

If the ownership of the business is transferred independently of the mark, the proprietor of the mark may continue to use the mark on goods and services in respect of which the trademark is registered, unless otherwise agreed upon.

**Article 32**

[Terms of Marks-related Agreements]

Any agreement related to marks is not effective unless it is in writing. Agreements related to registered marks shall apply to third parties only from the date of registration of such agreements in the Register.

Registration shall be made at the request of one of the parties to the agreement within three months from the date of signature of the agreement, taking into account legal periods and distance, against payment of a fee of LBP 100 000. A penalty of LBP 50 000 shall be charged for each one month delay.

**Article 33**

[Licensing Requirements]

- a. The proprietor of a mark may under a contract made in writing and documented in the Register, authorize other persons to make use of the mark in relation to some or all of the goods for which the mark is registered. The person granting the license may also use the mark unless the otherwise agreed upon. The licensing contract shall provide for effective control by the licensor of the quality of the goods or services of the

licensee in connection with which the mark is used, where such control is appropriate and/or necessary.

- b. If the licensing contract does not provide for quality control or if it does but such quality control is not effectively carried out, the licensing contract shall not be valid, and the mark may be declared by the Court as abandoned by its proprietor. Abandonment may be alleged as a personal defense in infringement proceedings. The abandonment of a mark shall be deemed to have been effective as of the date on which the licensing contract has become effective
- c. The period of the license authorizing the use of the mark shall not exceed the remaining term of its protection at the date of entry into force of the licensing contract.
- d. The abandonment shall be recorded in the Register and published in the Publication at the expense of the licensor.
- e. Registered collective mark or an application for registration of collective marks may not constitute object of a licensing contract.

#### **Article 34**

[Cancellation of the Agreement from the Register]

The entry of the agreement related to the mark shall be cancelled on the consent of the contracting parties or pursuant to an irreversible judicial decision.

#### **Article 35**

[Recording Amendments in the Register]

Any amendments to the name, address, or legal status of the proprietor of the mark shall be recorded in the Register against a payment of a fee of LBP 50 000.

Modification of the name of a proprietor of a mark of certification shall only be made upon the prior approval of the Minister of Economy and Trade.

#### **Article 36**

[Seizure of a Registered Mark]

Registered marks may be seized.

The seizure decision shall be notified to the proprietor of the mark, to the right holders listed in the Register and to the Office so that such decision is recorded in the Register.

### **Article 37**

#### [Invalidation of a Registration]

- a. Upon request by any interested person, the registration of any mark may be invalidated by the Court on the ground that the said mark does not comply with the provisions of this Law.
- b. The court may invalidate the registration of a certification mark if the person requesting invalidation proves the following:
  - 1) That the proprietor of the certification mark has been using it.
  - 2) That the proprietor of the mark tolerates the use of the mark inconsistently with the regulations on use mentioned in Articles 8 and 14 (4) of this Law.
  - 3) That the proprietor of the mark tolerates its use in such a manner as to deceive the commercial circles or the public with regard to the origin of the goods or services or any other characteristics of the goods or services related to such regulations of use.
- c. Interested persons are, inter alia, the Head of the Office, the Public Prosecutor, the competitors of the proprietor of the certification mark, the producers of goods or services to which the certification mark applies, and all organizations and bodies which represent consumers dealing with such mark.
- d. The proceedings shall be notified to the right holders inscribed in the Register and to the Office so that the latter record it in the Register.

### **Article 38**

#### [Lapse of Rights of the Proprietor of a Registered Mark]

- a. Any interested person may request the Head of the Office to revoke a mark, if within a period of no less than 3 consecutive years after the issuance of the registration certificate, a genuine use of the mark has not been started on the Lebanese territories in respect of any of the goods or services to which the mark applies. The right of requesting revocation shall lapse if the proprietor of the mark uses the mark one month prior to filing the request of revocation. The mark shall not be revoked if the proprietor proves that he had serious intention to use the mark and that serious reasons prevented the use of the mark, such as restrictions on imports or other government restrictions that are likely to impede trade. In such a case the burden of proof shall be on the proprietor of the mark and proof may be submitted by all means.
- b. Pursuant to this Article, shall be, inter alia, considered use:

- 1) The use of the mark with the consent of its proprietor. Where the mark is a certification mark, its use should comply with the requirements fixed in the regulations concerning the use of the certification mark.
  - 2) The use of the modified mark in such a manner as to not affect the distinctive character of the mark.
  - 3) The affixation of the mark to goods or to packaging thereof for export purpose only.
- c. Where the application for cancellation includes only a portion of the goods or services for which the mark is registered, the cancellation shall apply only to such portion

#### **Article 39**

[Publication of the Decision of revocation of Mark and date of Entry into Force of Revocation]

The decision of revocation of the mark shall be published in the Publication, at the request of any interested party and at his expense. The revocation shall become effective after the period mentioned in Article 40 has elapsed.

#### **Article 40**

[Conditions for Re-registration of a Revoked Mark in the name of a third party]

Where registration of a mark is cancelled, such mark may only be re-registered in the name of a third person for similar or identical goods or services, three years after the expiration of the date of cancellation.

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

**Article 41**

[Precautionary Measures Necessary to Prevent Infringements]

- a. Where there are fears that an infringement of any of the rights of the proprietor of the mark will occur, or that evidence related to an infringement will be destroyed, the proprietor of the mark or licensee may request to take all provisional measures necessary to prevent such infringement from occurring.
- b. The relevant court and the relevant public prosecutor may adopt the precautionary measures aforementioned in paragraph (a). The Judge of Urgent matters, the competent Civil Court or the Public Prosecutor may order the plaintiff to pay a necessary bond.
- c. Such decisions shall be served to official authorities including the customs, in order to act accordingly.
- d. The Judge of Urgent matters may decide on matters permitted by law such as petitions in protection of the rights where infringement is apprehended, the Judge may impose compulsory fines in execution of his decisions.
- e. The party requesting such measures shall file the case within a period of thirty one working days counted from the day of the decision issuance, otherwise the case shall be dropped.

**Article 41 (bis)**

Without prejudice to the protection of confidential information, customs authorities may allow the right holder to examine any confiscated goods, in order to prove his allegations, according to the procedures laid down by the Higher Customs Council, following consultation with the Director General of Customs.

**Article 42**

[Decrypting, inventorying and sampling any goods infringing the rights of the proprietor of the mark, and designating a judicial tutor]

The Judge of Urgent matters, the competent Civil Court and the Public Prosecutor may, for or without a bond, order for the description and inventory of all that forms the infringement of the rights of the mark proprietor or evidence thereof wherever it is, samples of such may be taken and the impound shall be safeguarded at the possessor for or without a bond, the possessor may be appointed a Judicial Tutor. For such purpose an expert in such matters may also be appointed.

Confiscations made by The Customs Administration shall be subject to the procedures prescribed in the Customs Law.

### **Article 43**

[Persons entitled to describe and inventory, and Law officers]

1. Elements of the Interior Security Forces, customs officers and employees of the Intellectual Property Protection Office are entitled to describe and inventory whatever constitutes an infringement to the rights of the mark proprietor, and may hold samples of such. Such employees are appointed for such task according to a decision or mandate issued by the Judge of Urgent matters, the relevant Civil Court, the Public Prosecutor or the Head of the Intellectual Property Protection Office according to their competence.
2. Customs officers shall have the exclusive right to carry out all above-mentioned tasks ex officio, or upon mandate from the competent authorities, within the prerogatives set fourth in the Customs Law.
  - a. Sworn employees of the aforementioned Office shall be designated as Judicial Police in application of the Law herein.
  - b. Sworn Employees mentioned in paragraph (a) may not inform the holder of the imitated or counterfeited products, of their instructions, before the report has been written, unless so requested.
  - c. The employees shall, upon writing the report, identify themselves and show the copy of the instructions received from the relevant Authority or Administration.
  - d. Upon completion of the examination, the employees shall hand over a copy of the decision or mandate, the report and inventory list to the holder of the goods suspected to be counterfeited

### **Article 44**

[Reports of Samples]

- a. A report shall be written indicating the samples that were taken and the description and inventory of the goods suspected to be infringing;

The report shall include the following:

1. Name and description of the report executor;
2. The Authority that issued the decision or the mandate and the date thereof;
3. Date, place and time where the decision or mandate shall be executed;
4. Identity, address and profession of the holder of such goods;
5. Detailed list of the goods suspected to be counterfeited to include its numbers, types and characteristics;

6. Purport and signature of the holder mentioned in the report and inventory list, if it is separate, if the holder refuses to sign, such shall be stated;
  7. Signature of the report executor.
- b. The holder of the goods suspected to be infringing may state in the report all the information and reservations that he deems to be of benefit.

#### **Article 45**

[The Person Entitled to Bring Infringement Proceedings]

Infringement proceedings shall be brought by the proprietor of the registered mark. However, the exclusive or non exclusive licensee or the holder of a mandatory permit of use, shall be entitled, unless his license or any other license through which his interest derived, provides other wise, to take precautionary measures and bring infringement proceedings, if he had called on the proprietor of the mark to bring infringement proceedings and if the proprietor fails to do so within 90 days after being called upon. Each licensee may take part in the proceedings brought by the proprietor and may receive compensation for the damages that he incurred.

#### **Article 46**

[The Civil or Criminal Proceedings initiated against the holder of the goods suspected to be infringing]

The Civil or Criminal proceedings shall be brought before the competent court against the holder of goods bearing the mark suspected to be infringing and against the infringers of the rights of the proprietor within a period of thirty one days counted from the date of the report, otherwise the report is considered null and void and the bond, if any, is confiscated.

#### **Article 47**

[Seizure of the goods suspected to be infringing]

The Court, upon the request of the plaintiff, and before a judgment is pronounced, may for or without a bond seize all or some of the goods suspected to be infringing stated in the report and inventory list.

The decision shall designate the employee tasked with the seizure and the place where such goods shall be placed and the designated law tutor responsible for such, together with the value of the bond, if any.

If the goods are warehoused in customs warehouses or stores, and if it has been proved that such goods are counterfeited or illegally bear protected mark, they shall not be

withdrawn there from unless a definitive decision has been made in regard of such goods, provided that the importer incurs the warehousing expenses.

**Article 48**

[Documents to be furnished to the person impounded]

The person impounded shall receive copies of the following:

- a. The impoundment decision.
- b. The bond if determined.
- c. The report of impound.
- d. The inventory of the impounded goods bearing the imitated or counterfeited mark.

**Article 49**

[Fees collected from the person applying for inspection or impound]

The Office shall collect from the person applying for inspection or impound a lump fee of LBP 100 000 for each transaction carried out through the intermediary of such Office.

**Article 50**

[Notification of the Judicial Decision]

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

**Article 51**

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

- a. 15 % of the fines and penalties levied under the provisions of this Law shall be allocated to the employees of the Office.
- b. The procedure of distributing the amounts deducted shall be determined by a decision issued by the Minister of Economy and Trade at the suggestion of the Director General.
- c. If confiscation is made by customs officers, fines are distributed in accordance with the procedures applied by the Customs Administration.



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

**Article 52**

[Infringement of the Rights of the Proprietor of a Registered Mark]

It shall be considered infringement of the rights of the proprietor of a registered mark, whether it is individual, collective or a certification mark, whoever commits any of the following acts in Lebanon, without the prior approval of the proprietor:

- a. Whoever willfully imitates, counterfeit, uses, affixes, eliminates or amends in bad faith a registered mark or a collective mark or a certification mark, in such a manner as to infringe the rights conferred by the registration of such mark.
- b. Whoever imports or exports goods bearing an imitated or counterfeited mark.
- c. Whoever, in bad faith, affixes to a product a mark belonging to another person.
- d. Whoever uses a registered mark without the authorization of the proprietor of the mark even where the mark is accompanied by expression such as "kind", "type", "the like" or "imitation", in such a manner as to deceive the buyer.

**Article 53**

(Infringement of the Rights of the Proprietor of a Registered Well-Known Mark)

It shall be considered infringement of the rights of the proprietor of a registered well-known mark, any use by other persons of similar or identical mark which is likely to cause confusion on the part of the Public, without the authorization of the proprietor in the following cases:

- a. If the mark is used for goods and/or services similar or identical to goods and services to which the registered well-known mark applies.
- b. If the mark is used on goods and/or services not identical and not similar to goods and services to which the registered mark applies, provided that such use suggests the existence of a connection between such goods and/or services and the proprietor of registered well-know mark and is likely to damage the interests of the proprietor of the mark.

**Article 54**

(Infringement of the Rights of the Proprietor of a non-registered Well-Known Mark)

It shall be considered infringement of the rights of the proprietor of a non-registered well-known mark, any use of similar or identical mark which is likely to cause confusion on the part of the Public, for goods and/or services identical or similar to the goods and/or services that attribute reputation to the mark.

**Article 55**

(Imprisonment and Fine)

Shall be punished by imprisonment from 3 months to 3 years or by a fine ranging from LBP 5 million to LBP 50 million, or by both such fine and imprisonment:

- a. Whoever willfully imitates, counterfeit, uses, affixes, eliminates or amends in bad faith a registered mark or a collective mark or a certification mark, in such a manner as to infringe the rights conferred by the registration of such mark.
- b. Whoever imports or exports goods bearing an imitated or counterfeited mark.
- c. Whoever, in bad faith, affixes to a product a mark belonging to an another person.
- d. Whoever uses a registered mark without the authorization of the proprietor of the mark even where the mark is accompanied by expression such as "kind", "type", "the like" or "imitation", in such a manner as to deceive the buyer.

**Article 56**

[Fines Only]

a. Shall be liable to the fine prescribed in Article 55 above whoever, willfully, commits the following acts:

- 1) Whoever has illegal possession of goods bearing an imitated or counterfeited mark or whoever sells, promotes, supplies, or offer for supply goods or services bearing such mark.
- 2) Whoever delivers a product or renders a service contrary to what he was requested to deliver or render under a mark duly registered.
- 3) Whoever sells or promotes goods or services bearing signs that might be fraudulent to the consumer with regard to the type of the goods or services, or whoever uses a mark which contains such signs.

- 4) Whoever makes a fraudulent imitation of a mark, without counterfeiting such mark but by imitating it in such a manner as to deceive the buyer, or whoever uses an imitated mark with the intent to defraud.
- 5) Whoever uses a collective mark in conditions others than those prescribed in the regulations on use of the mark filed with the registration application.

b. Shall be liable to a fine varying between LBP 5 million to 50 million:

- 1) Whoever indicates, by any manner whatsoever, that a given mark is registered in Lebanon while in fact no registration has been made.
- 2) Whoever affixes to his goods or services a mark violating the provision of Article 8 of this Law or whoever sells or offers for sale goods or services bearing such mark.

#### **Article 57**

[The Penalties should be doubled in case of repetition]

The penalties stipulated in this chapter shall be doubled, if infringements are repeated.

#### **Article 57 (bis)**

Small quantities of non commercial nature imported or exported as personal effects and travelers articles and small consignment of small value, shall not be subject to the provisions of this Law.

#### **Article 58**

[Indemnification of Right Holders]

Any person who infringes the right of the proprietor of a registered mark must provide to the prejudiced adequate compensation for the material and moral injury, loss of profits, profit made by the infringer, subsequent losses, adequate attorney's fees and expenses of legal proceedings.

#### **Article 59**

[Infringement of well-know mark]

The infringer of the rights of the proprietor of a non registered well-known mark shall incur civil liabilities.

**Article 60**

[Usurpation of Trade Names]

Usurpation of a trade name shall be punished according to the provisions of Article 56 of this Law and Article 716 of the Penal Code.

**Article 61**

[Secondary Penalties]

All verdicts pronounced with regard to any of the offences stipulated in this Law shall entail the following penalties:

- The verdict shall, for a period of 30 days, be posted, in the places designated by the court, at the locations of the convicted party and at 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 not be eligible for voting or for electing as member of the Boards of Directors of the chambers of commerce, associations, syndicates, co-operatives, labor arbitrations councils, chamber of deputies and municipal councils, for a period not exceeding five years.

**Article 62**

[Damages in case of acquittal]

Even in case of acquittal from the penal offense, the court may order the infringer to pay the prejudiced damages and that the goods, packages, labels, publicities, bearing the imitated or counterfeited mark are seized or destroyed. The court may also order that materials and implements the predominant use of which has been in the printing of the trademark on the goods be seized and destroyed; the goods which have caused or have been used to cause the infringement shall also be seized and destroyed.

**Chapter Seven**  
**Transitional Provisions**

**Article 63**

[Applicability of Conferred Rights]

All rights conferred in accordance with the provisions of Book Three of Decision No.2385 of 17/1/1924 (amended) shall remain in force.

**Article 64**

[Protection granted to Registered or Renewed Marks pursuant the provisions of Decision No.2385 of 17/1/1924]

Marks registered or renewed pursuant to provisions of Decision No.2385 of 17/1/1924 (amended) remain protected for the term prescribed in the Decision. Renewal shall be conducted in accordance with the provisions of this Law.

**Article 65**

[Revocation of Contradictory Texts]

All texts contradicting the provisions of this Law in particular Articles 68 to 88 and 105 to 109 of the Decision No.2385 of 17/1/1924 (amended) and Article 114 and the last paragraph of Article 11 of the Consumer Protection Law No.659 of 4/2/2005 which stipulated that “The advertisement which include the illegal use of a logo or a trademark, or the use of an imitated or simulated mark” shall all be invalidated and its Article 114.

**Article 66**

[Amendment of the Provisions of Article 110 of the Decision No.2385/24]

The provisions of Article 110 of the Decision No.2385/24 (amended) shall be amended to substitute the expression “in accordance with the provisions of Articles 55 and 57 of the Law on the Protection of Industrial Marks, Trademarks and Service Marks for the expression “In accordance with Articles 105 and 109 of this Decision”.

**Article 67**

[Amendment of the Provisions of Article 716 of the Penal Code]

The provisions of Article 716 of the Penal Code shall be amended to substitute expression “In Article 55 of the Law on the Protection of Industrial Marks, Trademarks and Service Marks for the expression “In article 702”.

**Article 67 (bis)**

The details and mechanism of the implementation of this Law and the special procedures that should be applied by all frontier stations shall be determined by virtue of decrees

issued by the Council of Ministers, upon the proposal of the Minister of Economy and Trade and the Minister of Finance.

**Article 68**

[Publication in the Official Gazette]

This Law shall come into force 3 months following the date of its publication in the Official Gazette.