

# LEBANON

## Law on the Protection of Literary and Artistic Property\*

(No. 75 of April 3, 1999)

### TABLE OF CONTENTS\*\*

	<i>Articles</i>
<a href="#">Chapter I: Definitions</a>	1
<a href="#">Chapter II: Protected Works</a>	2 - 4
<a href="#">Chapter III: Copyright Holder and Terms of Protection</a>	5 - 11
<a href="#">Chapter IV: Criteria of Eligibility for Protection</a>	12 - 13
<a href="#">Chapter V: Rights Enjoyed by Copyright Holders</a>	14 - 22
<a href="#">Chapter VI: Exceptions</a>	23 - 34
<a href="#">Chapter VII: Related Rights</a>	35 - 48
<a href="#">Chapter VIII: Terms of Protection</a>	49 - 57
<a href="#">Chapter IX: Collective Management Associations and Companies</a>	58 - 75
<a href="#">Chapter X: Deposit</a>	76 - 80
<a href="#">Chapter XI: Provisional Measures, Damages and Sanctions</a>	81 - 97
<a href="#">Chapter XII: Transitional and Temporary Provisions</a>	98 - 101

### Chapter I Definitions

1. For the purpose of applying the provisions of this Law, the meaning of the terms and expressions hereinafter shall be as follows, unless otherwise indicated in the context. These definitions apply also to related rights.

"Performance of work" means the execution of a work through exhibition, playing music, reciting, narrating, acting, dancing or any other means whether directly or through any means or device.

"Public performance" means a performance which is given in a place or places where the number of persons present exceeds the members of one family and their direct acquaintances.

"Broadcasting" means the transmission of the work for public reception by wireless means including transmission by satellite.

"Computer program" means a set of orders expressed in words or symbols or in any other form which when entered into a matter readable by a computer shall enable the computer to perform or execute a certain task or give a certain result.

"Phonogram/sound recording" means every fixation by any physical means of the sounds of a performance or of other sounds, whether resulting from the performance of a work or not, other than a fixation incorporated in an audiovisual work.

"Reprographic reproduction" means making copies from the original of a work by means other than printing, such as photocopying, and includes enlarged or reduced copies of the work.

"Related rights" means the rights that performers, producers of phonograms, television and radio broadcasting organizations and publishing houses enjoy.

"Work" means every work within the meaning of Articles 2 and 3 of this Law.

"Collective work" means a work in which more than one natural person participates under the initiative and supervision of a natural person who, or legal entity which, undertakes to publish it under his/its own name.

"Audiovisual work" means every work consisting of a set of consecutive images related to each other, whether accompanied by sound or not, and that gives the impression of motion if displayed, broadcast or transmitted with special devices.

"Work of joint authorship" means every work created by more than one author on condition that the said work does not constitute a collective work.

"Producer of sound recording/phonogram or audiovisual work" means the natural person who, or legal entity which, takes the initiative and responsibility for producing the audiovisual work or sound recording/phonogram.

"Author" means the natural person who creates a certain work.

"Reproduction" means making one or more copies of any work by any means or in any form, including a permanent or temporary recording on phonogram records, tapes, disks, electronic memory, and this also includes issuing a copy in two dimensions of a three-dimensional work, or a copy in three dimensions of a two-dimensional work.

"Copy" means the product of any copying, recording, printing, or photocopying of the original work.

"Publication" means making copies of the work or of the sound recording/phonogram available to the public in reasonable quantities with the consent of the author or the producer of the sound recording/phonogram, by means of selling, renting, or any other means of property transfer or acquisition of a copy of the work or the sound recording/phonogram or of the right to use them. The word "publication" also means making copies of the work or sound recording/phonogram available to the public by any electronic means.

The performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of artistic or literary works, the exhibition of a work of art and the construction of a work of architecture shall not be considered publication.

A sound recording/phonogram is not considered published if received by any device, or means or if broadcast.

"Communication to the public" means making the work available to the public by wire or wireless transmission of sounds and/or images, in such a way as to allow the public to hear or view the work at a distance from the broadcasting center.

This includes making the work available to the public by wire or wireless means (like the internet) in such a way that every person may access it from a place and at a time chosen by them.

## **Chapter II Protected Works**

**2.** The protection of this Law shall apply to every production of the human spirit be it written, pictorial, sculptural, manuscript or oral, regardless of its value, importance or purpose and the mode or form of its expression.

The protection of this Law shall apply, among other works, to:

- books, archives, pamphlets, publications, printed material and other literary, scientific and artistic writings;

- lectures, addresses and other oral works;
- audiovisual works and photographs;
- musical compositions with or without words;
- dramatic or dramatico-musical works;
- choreographic works and pantomimes;
- drawings, sculpture, engraving, ornamentation, weaving and lithography;
- illustrations and drawings related to architecture;
- computer programs whatever their language and including preliminary work;
- maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science;
- any kind of plastic art work whether intended for industry or not.

**3.** The following derivative works shall be subject to the provisions of this Law and shall be protected as original works without prejudice to the rights in the original work:

- translations, adaptations, transformations and arrangements of music;
- collections of literary or artistic works and compilations of data, whether in machine-readable or other form, provided that they are authorized by the copyright holder or his public or private successors and that by reason of the selection and arrangement of their contents they constitute intellectual creations.

**4.** The following shall be excluded from the protection provided by this Law:

- daily news;
- laws, legislative decrees, decrees and decisions issued by all public authorities and official translations thereof;
- judicial decisions of all kinds and official translations thereof;
- speeches delivered in public assemblies and meetings. The authors of speeches and presentations shall enjoy the sole right of collecting and publishing such lectures and presentations;
- ideas, data and abstract scientific facts;
- artistic folkloric works of all kinds. However, works inspired by folklore shall enjoy protection.

### **Chapter III Copyright Holder and Terms of Protection**

**5.** The author of any artistic or literary work shall, as a result of the creation of the work, have an absolute property right over his work and shall reserve all his rights without having to follow any formalities.

**6.** In the case of a joint work in which each contribution consists of an integral part of the work as a whole, all the contributors shall be considered coauthors and co-owners of copyright in the work. However, if it is

possible to distinguish the contribution of each author from the others, each of the joint authors shall be considered the author of his own contribution.

In a joint work, none of the coauthors may, in the absence of any written agreement to the contrary, exercise copyright without the consent of the other authors.

**7.** In the case of a collective work, the natural person who, or legal entity which, took the initiative to create the work and supervise its execution shall, in the absence of any agreement to the contrary, be considered the copyright holder.

**8.** In the case of a work created by natural persons working under a work contract for a natural person or legal entity in the course of performing their duties or professional obligations, the employer shall, in the absence of any agreement to the contrary, be the copyright holder and shall exercise the rights provided for in Article 15 of this Law.

**9.** In the case of an audiovisual work, the producer shall, in the absence of any agreement to the contrary, be considered the copyright holder.

**10.** In the case of anonymous and pseudonymous works, the natural person who, or legal entity which, published the work shall be considered the author. However should the identity of the author be revealed, he himself shall exercise these rights.

**11.** The person whose name is shown on a literary or artistic work in the commonly known way shall, unless proved otherwise, be considered the author.

#### **Chapter IV Criteria of Eligibility for Protection**

**12.** The protection of this Law shall apply to the artistic and literary works of the following:

- Lebanese authors, wherever they reside;
- non-Lebanese authors who are nationals of, or resident in, a State party to the Berne Convention for the Protection of Literary and Artistic Works or the Universal Copyright Convention;
- authors who are nationals of any State that is a member of the Arab League but which is not party to the above-mentioned Conventions, provided reciprocal treatment is applied;
- producers of audiovisual works who have their headquarters or habitual residence in Lebanon or in any State party to the Berne Convention for the Protection of Literary and Artistic Works or the Universal Copyright Convention.

**13.** The protection of this Law shall apply to:

- literary and artistic works first published in Lebanon;
- literary and artistic works first published in a State party to one of the above-mentioned Conventions;
- literary and artistic works first published outside Lebanon and outside the States party to one of the above-mentioned Conventions, provided that they are published in Lebanon or in a State party to the above-mentioned Conventions within 30 days of their publication in the other country.

#### **Chapter V Rights Enjoyed by Copyright Holders**

**14.** The copyright holder shall enjoy economic and moral rights.

**15.** The copyright holder shall have the exclusive right to exploit the work commercially and, accordingly, shall have the right to authorize or prohibit the following:

- any copying, printing, recording and reproduction of the work in any manner or form including photography, cinematography, sound or visual recordings of any kind or any other form;

- any translation, adaptation, alteration, transformation, summarizing, reworking of the work or rearrangement of the music;

- the sale, distribution or rental of the work;

- the importation of copies of the work manufactured abroad;

- the public performance of the work;

- communication to the public of the work by wire or wireless means, whether through hertzian waves or the like or through coded or uncoded satellites, including the rebroadcast of normal television or radio broadcasts or satellite transmissions by any means of diffusion of sounds and images.

**16.** The economic rights of the author shall be considered as movable rights and may be transferred in whole or in part.

**17.** Any contract for the exploitation or assignment of economic rights shall, whatever its subject, be drawn up in writing, otherwise it shall entail nullity of the contract. It shall set out in detail the rights covered by the contract and indicate the time and location. The contract shall also require that the author gets a percentage of the exploitation revenues and assignment proceeds. If such a contract does not set a time limit, it shall be valid for 10 years only from the date of signature of the contract.

**18.** The assignment in whole of future works shall be considered as void.

**19.** The assignment by the author of any of his rights must be limited in all cases to that right only and copyright contracts shall be construed in a restrictive manner.

**20.** The author and composer of a song shall have equal rights in that work, unless agreed otherwise.

**21.** Independently of the rights provided for in the previous Article and even after the assignment of the said rights, the author shall enjoy the following moral rights:

- the right to disclose the work and to determine the way and method of such disclosure;

- the right to claim authorship of the work and to have his name mentioned on every copy of the work each time the work is used in public;

- the right to use a pseudonym or to remain anonymous;

- the right to object to any distortion, mutilation or modification of the work which would be prejudicial to his honor, reputation, fame or artistic, literary or scientific position;

- the right to rescind contracts for the assignment of economic rights even after their publication if rescission is necessary to safeguard his person and reputation or is due to a change in his beliefs or in the circumstances, provided that third parties are compensated for damage resulting from such rescission.

**22.** It shall not be permitted to assign or attach the moral rights of the author but the said rights may be transmitted by testamentary disposition or inheritance laws.

## **Chapter VI Exceptions**

**23.** Without prejudice to the provisions of Article 24 of this Law, any natural person may, for his personal and private use, copy, record or make a single copy of any work protected under this Law without the authorization or consent of the copyright holder and without having to pay him any compensation, provided that the work has been legally published.

The use of a copy copied or reproduced inside a company or at any other work place shall not be considered as personal and private use.

**24.** The exception provided for in the previous Article shall not apply if it is prejudicial to the other rights and interests of the copyright holder. In particular, it shall be prohibited to:

- execute an architectural work in the form of a complete or partial construction;
- copy, record or reproduce any work of which a limited number of original copies are published;
- reproduce the whole or a significant part of a book;
- record or transmit compilations of data of all kinds;
- record or copy computer programs unless the record or copy is made by the person authorized by the copyright holder to use the program and for the purpose of making a single copy for use in the case of loss or damage of the original copy.

**25.** Non-profit-making educational institutions, universities and public libraries may, without the authorization of the author and without obligation to pay him compensation, reproduce a limited number of computer programs for the purpose of lending them free of charge to students and university people, provided that they possess at least one original copy of the work and provided that the Ministry of Education, the Ministry of Culture and Higher Education and the Ministry of Technical and Vocational Education subsequently issue decrees determining the copying mechanism, the categories of computer programs that may be copied and the number of copies allowed. Students may make one copy for their personal use.

It shall also be permitted, without the authorization of the author and without obligation to pay him compensation, to use a limited part of any legally published work for purposes of criticism, argumentation or citation or for an educational purpose, provided that the part used does not exceed what is necessary and customary. However, the name of the author and the source shall always be indicated, if the name of the author is included in the work.

**26.** It shall be permitted, without the authorization of the author and without obligation to pay him compensation, to copy or reproduce articles published in newspapers and magazines or short excerpts of a work, provided that it is done solely for educational purposes and within the necessary limits of such purpose. If the names of the author(s) and the publisher appear on the original work, they shall be mentioned in each and every use of the copy of the article or work.

**27.** Non-profit-making public libraries may, without the authorization of the author and without obligation to pay him compensation, make an additional copy of a work to be used in case of loss or damage of the original work, provided that they possess at least one copy of the original work.

**28.** It shall be permitted, by decision of the Minister of Culture and Higher Education, without the authorization of the author and without obligation to pay him compensation, to copy, reproduce or record an audiovisual work of special artistic value in order to keep it in the Ministry's archives, in case the copyright holder unfairly refuses to authorize the making of the said copy.

**29.** It shall be permitted, without the authorization of the author and without obligation to pay him compensation, to copy, reproduce or record a specific work for use in judicial or administrative proceedings and within the limits required by such proceedings.

**30.** The media shall be permitted, without the authorization of the author, without obligation to pay compensation to the author, and within the limits of fair practice, to use short excerpts of works that are displayed or heard during current events in the course of reporting such events in the media, provided that the name of the author and the source are mentioned.

**31.** The media shall be permitted, without the authorization of the author and without obligation to pay him compensation, to publish pictures of architectural works, visual artistic works, photographic works or works of applied art, provided that such works are available in places open to the public.

**32.** It shall be permitted, without the authorization of the author and without obligation to pay him compensation, to display or perform a work in public during the following occasions:

- official ceremonies within the limits required for such ceremonies;

- activities carried out by educational institutions during which teachers or students use the work, provided that the audience is limited to the teachers, students, students' parents and persons directly involved in the activities of the said educational institution.

**33.** It shall be permitted, without the authorization of the author and without obligation to pay him compensation, to display an artistic work in museums or in exhibitions organized inside museums provided that the museum owns the tangible material that contains the work and that such display is not prejudicial to the legal interests of the author.

**34.** It shall be permitted, without the authorization of the author and without obligation to pay him compensation, to copy or reproduce an artistic work for the purpose of publishing it in catalogues intended to facilitate the sale of the work, provided that such copying or reproduction is not prejudicial to the legal interests of the author.

## **Chapter VII Related Rights**

**35.** Producers of sound recordings, radio and television broadcasting organizations, publishing houses and performers such as actors, musicians, singers, members of musical groups, dancers, artists of puppet shows and circus artists shall be considered as holders of related rights.

**36.** Producers of sound recordings shall enjoy protection in the following cases:

(a) if the producer of the sound recording is Lebanese or a national of a State party to the Rome Convention 1961-International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, done at Rome on October 26, 1961;

(b) if the first fixation of sound is undertaken in a State party to the above-mentioned Convention;

(c) if the sound recording is first published in a State party to the above-mentioned Convention. If the sound recording is first published in a country that is not party to the Rome Convention and published afterwards, within 30 days of the first publication, in a State that is party to the said Convention, the said sound recording shall be considered as first published in the State party to the Convention.

**37.** Performers shall enjoy protection in the following cases:

(a) when their performance is undertaken in Lebanon or in a State party to the Rome Convention;

(b) when their performance is fixed in a sound recording protected under Article 36 of this Law;

(c) when their unfixed performance is fixed in a sound recording through a program protected under Article 38 of this Law.

**38.** Broadcasting organizations shall enjoy protection in the following two cases:

(a) if the headquarters of the organization is in Lebanon or in a State party to the Rome Convention;

(b) if the program is broadcast via a transmission device in Lebanon or in a State party to the Rome Convention.

**39.** Without prejudice to the provisions of Article 15 of this Law, performers shall have the right to authorize or prohibit the following:

- the broadcasting or communication to the public of their unfixed performance unless the broadcasting or communication is a rebroadcast of a previously authorized broadcast;

- the fixation or recording of their unfixed performance on any tangible material;

- the copying, sale or rental of any recordings containing an unauthorized fixation of their performance;

**40.** Performers participating in a joint work or show shall elect by relative majority one person to represent them in the exercise of their rights stated in Article 39 of this Law.

**41.** Producers, who are authorized by the performers to undertake the first fixation of an audiovisual work on any tangible matter, shall have the exclusive right to copy, distribute, sell and rent the audiovisual work they have produced and communicate it to the public.

**42.** The radio and television companies, establishments and corporations referred to in Article 38 of this Law, shall have the right to authorize or prohibit the following:

- the rebroadcasting of their programs by whatever means;

- the showing of their television programs in places where entrance is permitted upon payment of an entrance fee;

- the recording of their programs on tangible material for commercial purposes;

- the copying of unauthorized recordings of their radio and television programs.

**43.** Producers of sound recordings shall have the right to authorize or prohibit direct and indirect copying as well as the rental of such recordings for commercial purposes.

**44.** Performers shall have the right, during their lifetime, to claim authorship of, and to object to any alteration or modification of, their performance. This right shall pass to the heirs of the performer after his death.

**45.** Publishers of written or printed works shall have the right to authorize or prohibit the copying of such works by means of photocopying or commercial exploitation.

**46.** Any agreement on related rights shall be concluded in writing.

**47.** The exceptions set forth in Articles 23 to 34 of this Law shall apply to the rights provided for in Articles 35 to 45 of this Law.



**48.** The protection of related rights shall not affect any of the rights in respect of original and derivative works protected under this Law. Any interpretation of any of the rights granted under this Chapter shall not affect the rights of the original author.

### **Chapter VIII Terms of Protection**

**49.** The term of protection granted under this Law to the economic rights of the author, shall be the life of the author and 50 years after his death, to be computed from the end of the year in which the death has occurred.

**50.** In the case of a work of joint authorship, the term of protection shall be the life of the joint authors and 50 years after the death of the last joint author, to be computed from the end of the year in which the death has occurred. Should one of the authors die without leaving heirs, his share shall pass to the co-authors or to their heirs, unless stated otherwise.

**51.** In the case of collective and audiovisual works, the term of protection shall be 50 years to be computed from the end of the year in which the work has been made available to the public or, failing such event, 50 years from the making of such work, to be computed from the end of the year in which the work has been completed.

**52.** In the case of anonymous or pseudonymous works, the term of protection shall expire 50 years after the work has been lawfully made available to the public.

However, if the pseudonym adopted by the author leaves no doubt as to his identity, or if the identity of the author of an anonymous or pseudonymous work is disclosed before the expiration of the 50-year period starting from the end of the year in which the work was lawfully made available to the public, the provisions of Article 49 of this Law shall apply. In the case of posthumous works or works published in the name of a legal person, the term of protection shall be 50 years to be computed from the end of the year in which the work was published.

**53.** All moral rights of authors or performers shall enjoy perpetual protection that shall not be subject to prescription. They shall be transmitted to third parties by testamentary disposition or under inheritance laws.

**54.** All economic related rights of performers shall enjoy protection for a period of 50 years to be computed from the end of the year in which the performance has been carried out.

**55.** The term of protection granted to producers of sound recordings shall be 50 years, to be computed from the end of the year in which the first fixation of sound on tangible material has taken place.

**56.** The term of protection granted to broadcasting organizations shall be 50 years, to be computed from the end of the year in which the broadcasting of their programs has taken place.

**57.** The term of protection granted to publishing houses shall be 50 years, to be computed from the end of the year in which the first publication has taken place.

### **Chapter IX Collective Management Associations and Companies**

**58.** Authors and holders of related rights or their universal or particular successors may assign the management of their rights and the collection, in whole or in part, of royalties due to civil associations or companies formed among them.

**59.** Assignment shall be made by way of a written power of attorney drafted before a notary public and explicitly stating all the rights the management of which are assigned to the association or company.

The power of attorney shall be limited in time and may include all or part of the present or future works of the author or the holder of related rights. If there is ground for doubt, all the works shall be considered as covered by the power of attorney.

**60.** Any association or company willing to undertake the collective management of rights must, before carrying out any activity, deposit with the Ministry of Culture and Higher Education a legal attestation certifying the constitution of the association according to the Law of Associations, or a certificate of registration of the company with the competent registrar, in addition to the following documents:

- a copy of the Articles of Association;
- the name and address of the director in charge;
- the number of authors and holders of related rights that have assigned the management of their rights and the collection of their royalties to the association or company;
- a copy of the proxies granted to the association or company by the authors, the holders of related rights or their universal or particular successors;
- the term of the proxies;
- the mode of distribution of the royalties collected;
- the annual budget of the association or company.

**61.** The associations or companies for the collective management of rights shall be subject to the authority and control of the Ministry of Culture and Higher Education and they shall provide the Ministry with all necessary records and account books for ministerial control.

**62.** Each association or company must appoint a certified accountant to audit its records and submit an annual report to the General Assembly. However, the association or company must obtain an annual report from another certified accountant.

**63.** Each association or company must hold at least one general assembly a year to vote on the report of the president, the financial reports, the balance sheet of the previous year and the budget of the following year.

**64.** Pursuant to the legislation regulating the legal profession, each association or company must appoint a lawyer from the Bar as its legal consultant.

**65.** If the association or company commits a serious infraction or in the event of a repetition of a legal or regulatory infraction, the Minister of Culture or Higher Education may refer the file to the public prosecutor for action.

**66.** The Council of Ministers shall, within three months of the publication of this Law in the official gazette and upon the recommendation of the Minister of Culture and Higher Education, issue a decree prescribing the mode of establishment and functioning of the said associations and companies and the manner in which the Ministry of Culture and Higher Education shall monitor their activities and establish violations.

**67.** The associations or companies for the collective management of rights shall have the following responsibilities:

- to arrange contracts with the parties using the work and to determine the royalties to be collected;
- to distribute the royalties collected among the eligible parties;

- to take all administrative, judicial, arbitral and amicable measures to protect the legitimate rights of their clients and to collect royalties due;

- to obtain from the users of the work all necessary information for the computation, collection and distribution of royalties.

**68.** The associations or companies for the collective management of rights shall not have the right to refuse to arrange contracts under Article 67 of this Law with the users of the works without a legitimate reason.

**69.** The user of the work must submit to the association or company a list of the exploitations that he has undertaken such as the copying, sale, rental or television or radio broadcasting of the work and he shall indicate the number of copies, the number of public displays of the work or the number of television or radio broadcasts.

**70.** Companies and associations shall not have the right to refuse to administer the rights of an author or collect the royalties owed to him without a legitimate reason.

**71.** Each company or association must submit an annual report to the authors that have empowered it to administer their rights and collect royalties owed to them so that the authors can express their opinions as to the amounts collected, the method of collection and distribution and other administrative issues. The association must take these comments into account when formulating or modifying its methods of collection and administration.

**72.** The authors, the holders of related rights and their representatives shall have the right to examine the accounts of the company or the association to which they are affiliated whenever they deem it necessary.

**73.** The authors and the holders of related rights which have empowered a specific association or company to administer their rights and collect their royalties must inform the association or the company in writing of the works they have published or those they intend to publish after the date on which they have authorized the company or the association to administer their rights and collect their royalties.

**74.** Collected amounts shall, at least once a year, be distributed among right holders in proportion to the actual use of their works.

**75.** The power of attorney may be cancelled by the author, the holder of related rights or the association or company provided that there is a legitimate reason for such cancellation and that the other party is served notice three months before the end of the year. The cancellation shall have effect as of the end of the year in which the other party has been served notice of the intention to cancel.

## **Chapter X Deposit**

**76.** Works, sound recordings, performances, and radio or television programs shall be deposited with the Intellectual Property Protection Office at the Ministry of Economy and Trade.

The deposit shall constitute a presumption as to the ownership by the depositor of the work, the sound recording, the performance or the radio or television program. Such presumption may be refuted by all available means.

**77.** Copyright holders, holders of related rights or their particular or universal successors who wish to make a deposit must submit to the Intellectual Property Protection Office an application signed by them or their agent containing the following information:

- the title and the type of work, sound recording, performance or radio or television program;

- the name, title and address of the author or the holder of related rights. If the author or the holder of related rights does not make the deposit personally, the foregoing information must be given in respect of the depositor as well;

- if the depositor is a person other than the author or the holder of related rights, the type of document on the basis of which the depositor has submitted the application for deposit;

- where necessary, the name and address of the person responsible for the physical execution of the work (the printer, the molder, etc.).

The application for deposit must be accompanied by:

(a) if the applicant is a person other than the author or the holder of related rights, a copy or a summary of the document on the basis of which the deposit is made (power of attorney, assignment, contract or agreement...);

(b) three copies of the work or the subject of the related right. In respect of pictures, oil paintings, water colors, statues, works of architecture or other works having only one original, a photographic or non photographic reproduction of the work in three dimensions shall be provided showing the shape and form of the work in whole and in detail.

**78.**-(1) The application for deposit shall not be accepted unless it is accompanied by the prescribed fee set out in this Article.

(2) The fees charged by the Intellectual Property Protection Office shall be as follows:

- deposit of a printed work, LBP 50,000;

- deposit of a motion picture, video film or sound recording, LBP 175,000;

- deposit of a daily or periodic publication, (for one year) LBP 75,000;

- deposit of a picture, drawing, map, post card, photograph or daily or periodic publication, (1 copy), LBP 25,000;

- deposit of any other material not mentioned above, LBP 50,000;

- recordation of a contract of deposit with the Office, LBP 50,000;

- facsimile copy of a certificate of registration, LBP 25,000.

**79.** The application for deposit shall be registered at the Intellectual Property Protection Office. A certificate shall be delivered to the applicant mentioning the information stated in the application and it shall be accompanied by one of the three copies deposited with the Office.

The certificate shall be dated, sealed and signed by the head of the said Office. The first certificate shall be granted free of charge and the Office shall charge the prescribed fee referred to in the previous Article for subsequent requested copies of this certificate.

**80.** Any contract concluded with regard to any work, sound recording, performance or radio or television program registered at the Intellectual Property Protection Office may also be recorded with the said Office.

## **Chapter XI**

### **Provisional Measures, Damages and Sanctions**

**81.** Where there is ground for suspecting an imminent infringement of copyright or a related right, the holder of these rights or his public or private successors, in particular the associations or companies for the collective administration of rights, shall have the right to take all necessary provisional measures to prevent such infringement.

For this purpose, the judge of expedited matters may take all decisions authorized by the law, in particular, ex-parte decisions, in order to ensure the protection of the right or the work that is likely to be infringed and all the other works owned by the author or the holder of related rights. The judge of expedited matters may impose coercive measures to enforce his decisions. In addition, the president of the competent court of first instance or the competent public prosecutor shall have the right to take the provisional measures referred to above.

**82.** The judge of expedited matters, the president of the court of first instance or the public prosecutor may temporarily seize material constituting evidence of an infringement of copyright or a related right and shall leave it in the custody of the defendant.

**83.** In case of infringement of copyright or a related right, the holders of these rights may have recourse to the competent judicial authority and seek the cessation of the infringement and the prevention of any future infringement.

**84.** Any person who infringes copyright or a related right shall be required to pay fair compensation to the right holder for the material or moral injury and damage incurred. The amount of such compensation shall be determined by the court based on the commercial value of the work, the damage and lost profit incurred by the right holder and the material profit realized by the infringer. The court may order the seizure of the subject matter in dispute and the equipment and devices used to commit the infringement.

**85.** Irrespective of whether the work has fallen into the public domain or not, shall be liable to imprisonment for a term varying from one month to three years and/or to a fine varying from LBP 5 to 50 million, any person who:

- fraudulently puts or instructs another person to put a false name on a literary or artistic work;
- fraudulently imitates the signature or the logo of the author with intent to mislead the buyer;
- knowingly imitates a literary or artistic work;
- knowingly sells, possesses, offers for sale or makes available an imitated or a plagiarized work.

The sanction shall be doubled in the event of a repetition of the offence.

**86.** Any person who, knowingly and with intent to make a profit, infringes or attempts to infringe copyright or related rights provided for in this Law shall be liable to imprisonment for a term varying from one month to three years and/or to a fine varying from LBP 5 to 50 million. The sanction shall be doubled in the event of a repetition of the offence.

The competent court may order the closure of the premises, the commercial establishment or the radio or television station that infringes copyright for a period varying from one week to one month and the destruction of all unauthorized copies and all the equipment and the devices used to produce such copies. The court may also order that its decision be published in two local newspapers at the expense of the defendant.

The provisions of Article 200 and subsequent Articles of the Penal Code shall be taken into account when applying this Article.

**87.** Any person who manufactures or imports for purposes of sale or rental, offers for sale or rental, possesses for the purpose of sale or rental, sells, installs or rents any device, equipment or machine manufactured in whole or in part to receive illicitly any radio or television broadcast or transmission destined

to that section of the public that receives the said broadcast or transmission on payment of a set fee, shall be liable to imprisonment for a term varying from one month to three years and/or to a fine varying from LBP 5 to 50 million. The sanction shall be doubled in the event of a subsequent offence.

**88.** Any person who arranges or facilitates for third parties the reception of the transmission or broadcast referred to in the previous Article shall be liable to imprisonment for a term varying from one month to three years and/or to a fine varying from LBP 5 to 50 million. The sanction shall be doubled in the event of a subsequent offence.

**89.** With regard to the foregoing violations, legal action may be instituted by the public prosecutor ex officio or at the request of the person suffering damage or the president of the Intellectual Property Protection Office.

**90.** The court shall communicate any judicial decision issued with regard to the foregoing infringements to the Intellectual Property Protection Office within 15 days of the date of the decision.

**91.** It shall be strictly prohibited to import, consign to a warehouse or a free zone or transit sound recordings, or works that are imitations of sound recordings or works enjoying legal protection in Lebanon. Such sound recordings and works shall be seized wherever they are found.

**92.** The persons mentioned below shall have authority to identify, inventory and sample suspect objects. These persons shall be: police and customs officers and employees of the Intellectual Property Protection Office sworn in to that effect. These employees shall perform their duties pursuant to an order or a mandate issued by the public prosecutor or the Intellectual Property Protection Office and they shall notify the Office of all violations of the provisions of this Law that come to their attention. Sworn-in employees of the Intellectual Property Protection Office shall have police powers with regard to the implementation of the provisions of this Law.

Suspect articles may be seized, inventoried and sampled wherever they are found. A report must be drawn up of all sampling and inventorying and it must contain the following information:

1. the name, surname, title and place of residence of the employee who has drawn up the report;
2. the authority that has issued the order and the date it was communicated to the employee;
3. the date, time and location of the operation;
4. the name, surname, nationality, place of residence and profession of the person on whose premises the operation was carried out;
5. a detailed list of the suspect articles stating their number, kind and specifications;
6. the signature of the person in whose possession the articles or goods were found and if he refuses to sign, his refusal shall be mentioned;
7. the signature of the officer who has drawn up the report.

The proprietor of the goods shall have the right to mention in the report all the information and reservations he deems necessary and to obtain copies of the report and inventory if an inventory has been drawn up separately. Civil action or penal proceedings must be filed with the competent court within 15 days of the date of the report otherwise the whole operation will be considered as void.

**93.** The court may, at the request of the plaintiff and before rendering its final judgment order the seizure of all or some of the articles stated in the report and inventory. In such case, the court may order the plaintiff to deposit with the court, prior to the seizure, a guarantee fixed by the court based on the value of the articles to be seized.

The order shall designate the employee mandated to carry out the seizure, the place where seized articles will be kept and the official receiver of such articles appointed by the court.

**94.** The officer who has carried out the seizure shall immediately draw up a report in two copies, one of which should be delivered to the person whose goods have been seized. The report shall be drawn up as prescribed in Article 92 and it shall be accompanied by an inventory of the articles seized. The person whose goods have been seized, shall sign both copies and if he refuses or fails to sign, his refusal or failure shall be mentioned in the space provided for the signature.

**95.** The person whose goods have been seized must be provided with the following documents:

1. the order of seizure;
2. the document that establishes the deposit of the guarantee with the court if the court orders the deposit of such guarantee;
3. the inventory of the articles seized;
4. the report of seizure.

**96.** If the Intellectual Property Protection Office carries out an investigation at the request of the person suffering damages, it shall charge him a LBP 100,000 fixed fee.

**97.** The judgment rendered with regard to the above-mentioned proceedings shall provide for the imposition of the following complementary penalties:

1. the judgment shall be posted at the places designated by the court and it shall be published at the expense of the defendant in two local newspapers designated by the court that has rendered the judgment;
2. if the losing party represents a newspaper, a magazine or a radio or television station, the judgment must be published in this newspaper, magazine or radio or television station in addition to the two newspapers mentioned above.

## **Chapter XII Transitional and Temporary Provisions**

**98.** All works, whether published or not, created before the entry into force of this Law, shall enjoy the period of protection prescribed in this Law provided that they have not fallen into the public domain by the effective date of this Law. The period of protection that has lapsed before the issuance of this Law shall be deducted from the period of protection provided for in this Law.

**99.** Any author, producer or publisher of any book or publication must send, free of charge, to the Ministry of Culture and Higher Education five copies of the said work.

**100.** Articles 137 to 180 inclusive of Decision No. 2385, dated January 17, 1924 (amended), and Articles 722 to 729 inclusive, of the Penal Code shall be repealed.

**101.** This law shall be published in the official gazette and it shall have effect two months after its publication.

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