



MENA Commercial Law Strengthening project- CLS

National Thematic Study on “Intellectual Property Protection in Lebanon”

Executive Summary

1. This thematic national study on IPR protection in Lebanon addresses the legislative and practical framework of intellectual properties and their different aspects in Lebanon parting from two realities that are opposing in appearance but matching in practice:

- The first one relates to **legislation, international agreements, legal general principles, the Code of Criminal and Civil Procedures**, and all which we might call Positive Law.
- The second one on the other hand, relates in general to the field of **literary and artistic property**, i.e. IP piracy, or threatening and infringing the rights of the author, and failing to comply with the rule of law.

2. After providing a quick review and summary of the legal and institutional system which governs intellectual property in Lebanon in its legal, administrative, regulatory and judicial aspects, the study focuses on the **legislative and practical strengths of this system**.

According to specialists and men of law, Lebanon enjoys indeed a generally coherent and appropriate legislative framework in terms of principles or sanctions and compensations provided by law.

Protecting intellectual property is vested in institutions with special powers, most notably the Ministry of Economy and Trade. Whereas practical combat is entrusted to two specialized offices related to the judicial police: 1) Combating Financial Crime and Money Laundering Office and 2) Combating IT Crimes and Protection of Intellectual Property Office.

In the framework of judicial power, the urgent matters judiciary often responds to emergency and urgent requests of right holders issuing fast and effective provisions.

Moreover, civic education in Lebanon has got the attention of the Ministries of Economy and Trade on the one hand and of Culture on the other. Therefore, they focused their activities on promoting a culture of intellectual property in Lebanon, highlighting the fact that the violation of these rights constitutes a criminal offense punishable by law.

3. After the presentation of these strengths, the report addresses **weaknesses in the system of IPR protection of Lebanon** and draws legislative barriers which significantly threaten its effectiveness.

Legal gaps appearing in the **legal aspects currently in force** include the following laws: Law No. 75/99 (literary and artistic property) and Decision No. 2385/1924 (the rights of commercial and industrial property) and Law No. 240/2000 (patents) and Decree No. 918/2007 in force (collective management of copyright). They also include draft laws that are under review and preparation most notably the draft law amending Law No. 75/99 and the draft law on the protection of trade, industrial and service marks and draft laws allowing the Government to accede to international conventions.

The **practical obstacles** to the protection of intellectual property rights are reflected in three areas: 1) those which oppose the work of public administrations and impede effective control process such as the decrease in the number of staff, budget and equipment, 2) most importantly, failing to consider intellectual property as a priority in Lebanon, given that the Lebanese government is currently combating more serious crimes such as terrorism and others and 3) those that are impeding the work of the judiciary and the judicial proceedings such as judicial backlog, the slow pace of judicial proceedings as well as the undervaluation of compensations and penalties.

4. The report concludes that there is no clear plan or integrated policy to protect intellectual property rights in Lebanon which requires **proposing an alternative and comprehensive vision to activate the system of IPR protection** revolving around three complementary axes:

- The adoption of a **scientific strategy** towards combating intellectual property crime
- The adoption of a **comprehensive plan to activate the system** of protection of intellectual property rights
- The **adoption of a financial plan to promote innovation** and intellectual property, as a cultural and economic wealth.