

INTELLECTUAL PROPERTY LAW IN LEBANON

MOHAMMED EL SAID



Wolters Kluwer
Law & Business

Intellectual Property Law in Lebanon

Mohammed El Said

This book was originally published as a monograph in the International
Encyclopaedia of Laws/Intellectual Property Law.

General Editor: Roger Blanpain

Associate General Editor: Michele Colucci

Volume Editor: Hendrik Vanhees



Wolters Kluwer
Law & Business

Published by:

Kluwer Law International
PO Box 316
2400 AH Alphen aan den Rijn
The Netherlands
Website: www.kluwerlaw.com

Sold and distributed in North, Central and South America by:

Aspen Publishers, Inc.
7201 McKinney Circle
Frederick, MD 21704
United States of America
Email: customer.service@aspenpublishers.com

Sold and distributed in all other countries by:

Turpin Distribution Services Ltd.
Stratton Business Park
Pegasus Drive, Biggleswade
Bedfordshire SG18 8TQ
United Kingdom
Email: kluwerlaw@turpin-distribution.com

DISCLAIMER: The material in this volume is in the nature of general comment only. It is not offered as advice on any particular matter and should not be taken as such. The editor and the contributing authors expressly disclaim all liability to any person with regard to anything done or omitted to be done, and with respect to the consequences of anything done or omitted to be done wholly or partly in reliance upon the whole or any part of the contents of this volume. No reader should act or refrain from acting on the basis of any matter contained in this volume without first obtaining professional advice regarding the particular facts and circumstances at issue. Any and all opinions expressed herein are those of the particular author and are not necessarily those of the editor or publisher of this volume.

Printed on acid-free paper.

ISBN 978-90-411-4018-0

This title is available on www.kluwerlawonline.com

© 2012, Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal, 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA. Email: permissions@kluwerlaw.com

Printed and Bound by CPI Group (UK) Ltd, Croydon, CR0 4YY.

Intellectual Property Law in Lebanon

Table of Contents

The Author	3
Preface	13
List of Abbreviations	15
Acknowledgement	17
General Introduction	19
§1. GENERAL BACKGROUND	19
I. Geography	19
II. Cultural Composition	20
III. Political System	21
IV. Population Statistics	26
§2. HISTORICAL BACKGROUND	27
Selected Bibliography	31
Chapter 1. Copyright and Neighbouring Rights	35
§1. SOURCES: LEGISLATION	35
§2. SUBJECT MATTER OF PROTECTION	39
I. Different Categories of Protected Works	39
II. Works Excluded of Protection	41
III. Special Categories of Work	43
A. Computer Software and Programs	43
B. Others	44
§3. CONDITIONS OF PROTECTION	45
I. Formal Requirements	45
II. Substantive Requirements	48
§4. OWNERSHIP	50

Table of Contents

I. The Author	50
II. Joint Works: Works Created by Several Persons	52
III. Works Made for Hire	53
IV. Collective Management Associations and Societies	53
§5. TRANSFER	58
I. Assignment of Copyright	58
II. Licenses	61
§6. SCOPE OF EXCLUSIVE RIGHTS	63
I. Moral Rights	63
II. Exploitation Rights	64
A. Reproduction Right	65
B. The Adaptation Right	65
C. The Translation Right	65
D. The Distribution Right	66
E. The Rental or Lending Rights	66
F. Performance and Communication Rights	66
G. The Alteration Rights	67
H. The Importation Right	67
§7. LIMITATIONS OR EXEMPTIONS TO THE SCOPE OF COPYRIGHT	
PROTECTION	68
I. Private Use	68
II. Educational Purposes	70
III. Museum and Exhibition Display	73
IV. Quotation Rights	73
V. Speeches, Ceremonies and Public Performances	73
VI. News Reporting and Articles in Newspapers	74
VII. Audiovisual Works	74
VIII. Catalogues Display	75
IX. Judicial and Administrative Proceedings	75
§8. DURATION OF PROTECTION	75
§9. NEIGHBOURING RIGHTS	77
§10. INFRINGEMENT AND REMEDIES	81
§11. IMPACT OF BILATERAL AGREEMENTS ON COPYRIGHT	
PROTECTION IN LEBANON	88
I. EU–Lebanon AA	88
II. The EFTA–Lebanon FTA	89
§12. OVERLAPPING AND RELATIONS TO OTHER INTELLECTUAL	
PROPERTY LAW	90

Chapter 2. Patents and Trade Secrets	91
§1. SOURCES: LEGISLATION	91
§2. PATENTABLE SUBJECT MATTER	93
§3. CONDITIONS OF PATENTABILITY	96
§4. FORMALITIES	97
§5. OWNERSHIP AND TRANSFER	104
§6. SCOPE OF EXCLUSIVE RIGHTS	106
§7. LIMITATIONS AND EXCEPTIONS TO THE SCOPE OF PATENT PROTECTION: COMPULSORY LICENSES	107
§8. DURATION OF PROTECTION: MAINTAINING AND TERMINATION OF PATENT PROTECTION	110
§9. PROTECTION OF PLANT VARIETIES	111
§10. PROTECTION OF UNDISCLOSED INFORMATION AND TRADE SECRETS	112
§11. PROTECTION OF SEMICONDUCTORS	115
§12. INFRINGEMENT AND REMEDIES	118
§13. IMPACT OF BILATERAL AGREEMENTS ON PATENT PROTECTION IN LEBANON	122
I. EU–Lebanon AA	122
II. The EFTA–Lebanon A	123
§14. OVERLAPPING AND RELATIONS TO OTHER INTELLECTUAL PROPERTY LAW	125
Chapter 3. Industrial Designs	126
§1. SOURCES: LEGISLATION	126
§2. SUBJECT MATTER OF PROTECTION	126
§3. CONDITIONS OF PROTECTION	128
§4. FORMALITIES: PROCEDURES FOR OBTAINING PROTECTION	130

Table of Contents

§5. OWNERSHIP AND TRANSFER: ASSIGNMENT; LICENSES	135
§6. SCOPE OF EXCLUSIVE RIGHTS	137
§7. LIMITATIONS OF THE SCOPE OF PROTECTION	138
§8. DURATION OF PROTECTION	138
§9. INFRINGEMENT AND REMEDIES	140
§10. OVERLAPPING AND RELATION TO OTHER INDUSTRIAL PROPERTY LAWS	142
Chapter 4. Trademarks	144
§1. SOURCES: LEGISLATION	144
§2. SUBJECT MATTER OF PROTECTION	145
I. Signs Which May Serve as Trademarks	145
II. Different Categories of Trademarks	151
§3. CONDITIONS OF PROTECTION	153
§4. FORMALITIES: PROCEDURES FOR PROTECTION, ESTABLISHING AND MAINTAINING TRADEMARKS	154
§5. OWNERSHIP AND TRANSFER	161
§6. SCOPE OF EXCLUSIVE RIGHTS	164
§7. LIMITATIONS OF THE SCOPE OF TRADEMARK PROTECTION	166
§8. USE REQUIREMENTS	167
§9. DURATION OF PROTECTION; RENEWAL; TERMINATION	169
§10. INFRINGEMENT AND REMEDIES	171
§11. IMPACT OF BILATERAL AGREEMENTS ON TRADEMARK PROTECTION IN LEBANON	179
I. EU–Lebanon AA	179
II. The EFTA–Lebanon A	179
§12. OVERLAPPING AND RELATION TO OTHER INTELLECTUAL PROPERTY LAWS	180

Table of Contents

Chapter 5. Trade Names	181
§1. SOURCES: LEGISLATION	181
§2. THE PROTECTION OF TRADE NAMES	181
§3. OVERLAPPING AND RELATION TO OTHER INTELLECTUAL PROPERTY LAWS	187
Chapter 6. Geographical Indications	188
§1. SOURCES: LEGISLATION	188
§2. SUBJECT MATTER OF PROTECTION	189
§3. LIMITATIONS OF PROTECTION	192
§4. PROCEDURES AND FORMALITIES	193
§5. INFRINGEMENT AND REMEDIES	196
§6. IMPACT OF BILATERAL AGREEMENTS ON GEOGRAPHICAL INDICATIONS PROTECTION IN LEBANON	199
I. The EFTA–Lebanon FTA	199
§7. OVERLAPPING AND RELATION TO OTHER INTELLECTUAL PROPERTY LAWS	200
Index	201

Intellectual Property Law in Lebanon

Mohammed El Said

This book was originally published as a monograph in the International
Encyclopaedia of Laws/Intellectual Property Law.

General Editor: Roger Blanpain

Associate General Editor: Michele Colucci

Volume Editor: Hendrik Vanhees



Wolters Kluwer
Law & Business

The Author



Dr Mohammed El Said (born 28 January 1976) obtained his Bachelor degree in law from the University of Jordan (1998). He completed his LLM in International Business Law from the University of Manchester (1999) and obtained his doctorate in 2005 from the same university for his research into the area of intellectual property and international trade. In 2005, he joined the Lancashire Law School as a Lecturer in International Trade Law. Dr El Said is a qualified solicitor under the Jordanian Bar Association (2001). He also worked as a consultant with leading media organizations in the Middle East and for other international organizations including the United Nations Development Programme (UNDP), the World Intellectual Property Organization (WIPO) and the World

Health Organization (WHO). Dr El Said has several books and publications in the area of intellectual property rights. He is the author of *Public Health Related TRIPS-Plus Provisions in Bilateral Trade Agreements: A Policy Guide for Negotiations and Implementers in the Eastern Mediterranean Region*, published by the World Health Organization (WHO) and the International Centre for Trade and Sustainable Development (ICTSD), 2010; *IPRs in Jordan*, Kluwer Law International BV, 2009, and *The Development of Intellectual Property Protection in the Arab World*, The Edwin Mellen Press, 2008. El Said is a legal project lead for Creative Commons project (CC) in Qatar.

*To Haya,
Ahlam And Farah*

Table of Contents

The Author	3
Preface	13
List of Abbreviations	15
Acknowledgement	17
General Introduction	19
§1. GENERAL BACKGROUND	19
I. Geography	19
II. Cultural Composition	20
III. Political System	21
IV. Population Statistics	26
§2. HISTORICAL BACKGROUND	27
Selected Bibliography	31
Chapter 1. Copyright and Neighbouring Rights	35
§1. SOURCES: LEGISLATION	35
§2. SUBJECT MATTER OF PROTECTION	39
I. Different Categories of Protected Works	39
II. Works Excluded of Protection	41
III. Special Categories of Work	43
A. Computer Software and Programs	43
B. Others	44
§3. CONDITIONS OF PROTECTION	45
I. Formal Requirements	45
II. Substantive Requirements	48
§4. OWNERSHIP	50

Table of Contents

I. The Author	50
II. Joint Works: Works Created by Several Persons	52
III. Works Made for Hire	53
IV. Collective Management Associations and Societies	53
§5. TRANSFER	58
I. Assignment of Copyright	58
II. Licenses	61
§6. SCOPE OF EXCLUSIVE RIGHTS	63
I. Moral Rights	63
II. Exploitation Rights	64
A. Reproduction Right	65
B. The Adaptation Right	65
C. The Translation Right	65
D. The Distribution Right	66
E. The Rental or Lending Rights	66
F. Performance and Communication Rights	66
G. The Alteration Rights	67
H. The Importation Right	67
§7. LIMITATIONS OR EXEMPTIONS TO THE SCOPE OF COPYRIGHT PROTECTION	68
I. Private Use	68
II. Educational Purposes	70
III. Museum and Exhibition Display	73
IV. Quotation Rights	73
V. Speeches, Ceremonies and Public Performances	73
VI. News Reporting and Articles in Newspapers	74
VII. Audiovisual Works	74
VIII. Catalogues Display	75
IX. Judicial and Administrative Proceedings	75
§8. DURATION OF PROTECTION	75
§9. NEIGHBOURING RIGHTS	77
§10. INFRINGEMENT AND REMEDIES	81
§11. IMPACT OF BILATERAL AGREEMENTS ON COPYRIGHT PROTECTION IN LEBANON	88
I. EU-Lebanon AA	88
II. The EFTA-Lebanon FTA	89
§12. OVERLAPPING AND RELATIONS TO OTHER INTELLECTUAL PROPERTY LAW	90