

Trademark Laws in Lebanon

Brief Historical Background

Between May 1888 and January 1924, trademarks were essentially protected in Lebanon by an Ottoman law dated May 11, 1888 and an Ottoman Decree dated October 8, 1888. These two statutes remained in force until January 17, 1924, date of the enactment of Decree No. 2385 (the "Decree") issued by the French High Commissioner. The Decree provided for trademark protection and repealed all previous trademark laws including the above-mentioned Ottoman statutes.

The Decree is currently in force. It is the main trademark statute in Lebanon. The Decree was amended by the French High Commissioner On September 22, 1926 and by the Lebanese authorities on January 31, 1946 and on February 23, 1983. The Decree was also amended on various occasions to modify the amount of fees charged for the deposit and registration of trademarks.

The official French text of the Decree and its first amendment were published in the "Bulletin Officiel des Actes Administratifs du Haut Commissariat de la République Française en Syrie et au Liban" on February 1924 and September 15, 1926, respectively. The Official Arabic text of the Decree was published in the "Journal Officiel de la République Libanaise" on February 6, 1946.

In addition to the Decree, trademarks are protected in Lebanon by the Penal Code (the "Code"). Chapter VI of the Code restated some of the provisions of the Decree without repealing them, and provided for criminal penalties against infringers.

Interestingly, the criminal penalties of the Code are more lenient than those provided for by the Decree. This creates an interesting conflict between those two statutes. However, since the Code was enacted after the Decree, and repealed all conflicting provisions, the provisions of the Code should override those of the Decree in case of conflict.

Internationally, Lebanon is also bound by the provisions of the Paris Union Treaty on Industrial Property Protection dated March 20, 1883. Lebanon became signatory of said treaty on May 25, 1939. Lebanon is also bound by the International Union, arrangement of Madrid on the false indications of origin, and the arrangement of Nice. Lebanon has also adopted the International Classification of Goods and Services.

Summary of the Principal Trademark Provisions

Trademark laws in Lebanon are old and very basic. They are based on the legal principles known at the beginning of the past century. They were not amended to keep track of the economic and legal changes that took place since World War I. As such, trademark laws

in Lebanon are outdated and require a complete overhaul to bring them up to date with modern trademark principles.

Lebanon protects Industrial and commercial trademarks as well as service marks. The use of trademarks is not compulsory unless required by law. Marks can be either individual or collective. They should not represent national or foreign decorations or include any word, image, sign or emblem of a revolutionary nature or contrary to the public order or morality.

Trademark protection in Lebanon is primarily based on prior use of the mark. The right of the first user of the mark in Lebanon overrides that of the depositor or registrant of the mark. This is no longer acceptable as it reduces the security that a businessman requires when launching a new business.

Registration of a trademark is simply a matter of deposit and publication. Registration has only a declaratory effect and is open to opposition by third parties during the first five years of registration. Registration is valid for fifteen years, renewable for equal periods of fifteen years each.

Registration is open to Lebanese and foreign registrants alike. Foreigners are required to appoint a local agent to arrange all registration formalities and receive the registration certificate and service of process.

Infringement of a trademark is punished with criminal penalties (imprisonment and/or fines). Civil remedies are also available in the form of injunctions and damage awards. In the case of a trademark imitation, the courts look for a general resemblance from the consumer point of view to determine whether a trademark imitates a protected mark.

Information & Documents Required For Trademark Registration

Information Required To Be Included In The Application

- Applicant's full name, alias and title;
- Applicant's nationality;
- Applicant's address;
- Brief description of Applicant's line of business;
- Brief Description of the trademark;
- Description of the goods and products that will bear the trademark;
- List of all registrations of the trademark outside of Lebanon;
- Date of the Power of Attorney granted to the agent effecting the registration.

Documents Required To Be Attached To The Application

- Six samples of the trademark with colors and dimensions;
- The original copy of the Power of Attorney granted to the agent effecting the registration.
- The electro-plate of the trademark;

- Copy of the registration certificate of the trademark in the country of origin that shows the classes in which the trademark is registered.

New Trademark Law under study

It should be noted that the Ministry of Economy is currently drafting a new trademark law to replace the 1924 Decree. It is not clear at this point in time when the new law would be passed.