

Draft Law
Intended to Amend Some Provisions of Law
#75 of 3 April 1999 on the Protection of Literary and Artistic Property

Article 1: Article 1 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

For the purpose of enforcement of the provisions of this Law, the following terms and expressions shall have the following meanings, unless otherwise specified by the context. These definitions also apply 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 via any means or device.

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

Broadcasting: means the transmission of the work or the artist's performance, audio performance or recordings to the public by wireless means, including sound and/or image transmission by satellite.

Computer program: means a set of orders, expressed in words, symbols or any other form, which when entered to a material readable by a computer, allow the computer to perform or execute a given task or generate a given result.

Efficient technical procedures: means any technology, procedure, means, or encoding device, copy retrieval control, encoding or other process especially designed to prevent or limit the execution of works that are non-authorized by the holders of a copyright and related rights, or to prevent the access to works, performances or sound recordings without the authorization of the holders of a copyright and related rights.

Sound recording: means every fixation by any physical means of the sounds, whether or not resulting from the performance of a work, other than a sound recording embodied in an audiovisual work.

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

Folklore expressions: means any production of oral, musical, moving or tangible folklore, represented by special factors that reflect traditional heritage that has appeared, been developed or been preserved in a certain geographical region, and that can not be attributed to a known author. Folklore shall mainly include the following:

- Folk stories, proverbs, riddles and popular poetry.
- Folk songs accompanied by music.
- Folk dancing and exhibitions.
- Folk art productions such as drawings with lines or colors, sculptures, pottery, ceramics, wood, metals and jewelry sculpturing, needlework, textiles, clothes and architectural works.

Related rights: means the rights enjoyed by performers, producers of sound recordings, television and radio broadcasting stations and organizations, and publishing houses.

Work: means any 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 any work consisting of a set of consecutive images that are related to each other, whether or not they are accompanied by sound, and that gives the impression of motion once displayed, broadcast or transmitted with special devices.

Work of joint authorship: means any work created by more than one author, provided that said work does not constitute a collective work.

Performers: means actors, musicians, singers, bands members, dancers, marionette theater artists, circus artists and other persons who perform by reciting, singing, playing music, acting or by any other means protected works in accordance with this Law's provisions, or works that fell into the public domain or folkloric expressions.

Information related to the rights' system: means any electronic information provided by the holders of a copy right or related rights, and defined as follows:

- The work or the sound recording or performance.
- The author, performer or producer of a sound recording
- The copyright holder of the work, performance or sound recording.
- Conditions to be met to use and benefit from the work, performance or sound recording.
- Figures or symbols representing each element of information when the latter is:
 - a. Placed on a copy of the work, sound recording or performance.
 - b. Visible while transmitting the work, performance, or sound recording to the public, or while making the work, performance or sound recording available to the public by wire or wireless means (such as the internet), in such a way that every person may access this fixed performance from a place and at a time chosen by him/her.

Producer of sound recording/audiovisual work: means the natural person who or legal entity that takes the initiative and responsibility for producing the audiovisual work or sound recording.

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

Reproduction: means making one or more copies of any work, performance, sound recording or broadcasting program, directly or indirectly, by any means or in any form, including a permanent or temporary recording on phonogram records, tapes, disks or electronic memory; this also includes making 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 available to the public in reasonable quantities with the consent of the author or the producer of the sound recording, by means of selling, renting, or any other means of property transfer or acquisition of a copy of the work or the sound recording or of the right to use them. The word "publication" also means making copies of the work or sound recording available to the public by any electronic means.

The performance of a dramatic, dramatic-musical, cinematographic or musical work, the public recitation of a literary work, 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 is not considered publication if received by any device or means or if broadcast.

Communication to the public: means making the work or the artist's performance 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.

Article 2: Article 2 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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 to the following works specified below:

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

- Lectures, addresses and other oral works;
- Audiovisual works and photographs;
- Musical compositions with or without words;
- Dramatic or dramatic-musical works;
- Choreographic works and pantomimes;
- Drawings, sculpture, engraving, ornamentation, waving and lithography;
- Illustrations, including construction, drawings and images related to architecture;
- Computer programs, whatever their language, and including preliminary work;
- Maps, plans, sketches and geographic, topographic, architectural or scientific models;
- Any kind of plastic art work, whether intended for industry or not.

Article 3: Article 3 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The following derivative works shall also be subject to the provisions of this Law and shall benefit from the protection provided by said law, provided the rights of the author of the original work is not violated:

- Translations, adaptations, transformations and arrangements of music;
- Collections of works, compilations of folklore expressions, such as encyclopedia, selections and compilations of information such as data bases, whether in machine-readable or other form, provided that the selection and arrangement of their contents constitute intellectual creations.

Article 4: Article 4 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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

- Daily news that is no more than pure press information;
- 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 speeches and presentations;

- Ideas, data and abstract scientific facts;

- Artistic folkloric works of all kinds. However, works inspired by folklore shall enjoy protection.

Article 5: Article 6 of Law # 75/99 of 3 April, 1999 shall be amended in accordance with the following:

In the event of a joint work, all of the contributors shall be deemed co-authors and co-owners of the copyright in the work, and none of them may solely enjoy the copyrights without his partners' consent, unless otherwise specified in a written agreement.

However, if it is possible to differentiate the contribution of each author from the others, each of the joint authors may exploit the part reverting to him separately, provided said exploitation does not harm the exploitation of the joint work, unless otherwise stated in writing.

Article 6: Article 9 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

In the case of an audiovisual work, the producer shall be considered the copyright holder, unless otherwise stated in writing,.

Article 7: Article 10 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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, if the author's pseudonym is not subject to doubt or should the identity of the author be revealed, these rights shall revert to him.

Article 8: Article 11 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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

B- The person whose name is shown on an audiovisual work in the commonly known way shall, unless proven otherwise, be considered the producer.

Article 9: Article 12 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The protection of this Law shall apply to the artistic and literary works created by the following authors:

A- Lebanese authors, wherever they reside;

B- Non-Lebanese authors provided that they 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 or any convention or agreement governing literary and artistic property in which Lebanon is a member;

C- Authors who are nationals of any State that is a member of the Arab League but that is not a party to the above-mentioned Conventions, provided reciprocal treatment is applied;

D- Producers of audiovisual works who have their headquarters or residence in Lebanon or in any State party to the above-mentioned conventions in paragraph B of this Article.

E- Authors of a work of architecture that is built in any country party to the conventions or agreements mentioned in Paragraph B of this article.

F- Authors of artistic works embodied in any building located in any country party to the conventions or agreements mentioned in Paragraph B of this Article.

Article 10: Article 13 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The protection of this Law shall apply to literary and artistic works that are:

- First published in Lebanon;

- First published in a State party to one of the conventions or agreements mentioned in Article 12(B) of this Law;

- First published outside Lebanon and outside the States party to any of the above-mentioned conventions, provided that they are published in Lebanon or in a State party to the conventions or agreements mentioned in Article 12(B) above, within 30 days of their publication in the other country.

Article 11: Article 15 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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

- Any copying, printing, recording and reproduction of the work in any available means, including photography, cinematography, or on video tapes or disks, or any other tapes, or disks, or by any other means

- Any translation, adaptation, alteration, transformation, summarizing, adjustment of the work or rearrangement of the musical work;
- The distribution of the original work or copies of it to the public, through the sale or any other means of transfer of property;
- The rental of the original work or copies of it, embodied in a sound recording, or copies of the audiovisual work or computer copies for commercial purposes. The exclusive rental right shall not apply to computer programs if the program was not the principal rental object.
- The import of copies of the work manufactured abroad;
- The public performance of the work;
- The communication to the public of the work by wire or wireless means, whether through hertzian waves or the like, or through coded or non-coded satellites, including the rebroadcast of normal television or radio broadcasts or satellite transmissions by any means of transmission of sounds and images, and making the work available to the public by wire or wireless means (such as the internet) in such a way that every person may access this work from a place and a time chosen by him/her.

Article 12: Article 17 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Any contract for the exploitation or assignment of economic rights shall, whatever its subject, be drawn up in writing; on pain of 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 receive a percentage of the exploitation and sale revenues, except for computer programs where contracting is possible on the basis of a lump sum or on the basis of combining the relative participation and the lump sum. If such a contract does not specify a dead limit, it shall be automatically deemed valid for 10 years only from the date of signature of the contract.

Article 13: Article 21 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

In addition to the rights provided for in the previous Article and even after the assignment of said rights, the author shall enjoy the following moral rights:

- The right to publicize the work and determine the related method and means ;
- The right to claim authorship of the work and to have his/her 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 forbid any distortion, development, modification or change of the work. However, this right shall not apply to the computer programs author as long as such distortion, development modification or change is not prejudicial to the honor, reputation, or fame of his/her author.

- The right to rescind contracts of transfer or assignment of economic rights even after their publication if rescission is necessary to safeguard his person and reputation given a change in his beliefs or in the circumstances, provided that third parties are compensated for damage resulting from such rescission. However, this right shall not apply to the computer programs author.

Article 14: Article 24 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The exception provided for in the previous Article shall only apply if the use of the work is not contrary to the regular exploitation of said work, and does not cause any unjustified prejudice to the author's legitimate economic interests. 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, copy or transmit compilations or parts 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.

Article 24 (1):

Without the author's authorization and without paying him any compensation, operations of temporary copying, which constitutes an integral and essential part of a technical means, may be executed. The only purpose of this copying shall be the legal use of the work or transmitting the work from one person to another within a given network and through a mediator, provided that this copying is not made for commercial purposes.

Article 24 (2):

Without the authorization of the author and without the obligation to pay him compensation, the legal holder of the computer program copy may execute the following:

- a- Adapting, amending, modifying or translating this program to another computer language if necessary, to be compatible with another computer, while limited only to the private use of the original copy's legal holder. The original copy and the other copy shall be destroyed once the legal instrument of the original copy's ownership is lost.
- b- Controlling this program's operation, studying it and examining its work process in order to determine the ideas and principles on which it was based, provided that the copyright holder executes authorized operations.
- c- Without the author's authorization, the code of a program may be copied or decoded when the information resulting from this copying is necessary to operate this program with other programs. Copying or decoding the code shall be necessary to collect the required information that shall be used or transmitted only to operate the program with other programs.

The legal holder of the computer program copy or an authorized person by the latter may execute the above mentioned operations.

Article 15: Article 25 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Educational institutions or universities may, without the author's authorization and without obligation to pay him compensation, copy or reproduce one copy of computer programs, provided that:

- a- These educational institutions or universities possess at least one original copy of this program.
- b- The computer program intended to be copied is educational and included in the curriculum of this institution or university.
- c- The copy mentioned in the first paragraph of this article is used within the campus of the educational institution or university, provided that it is limited to the students duly registered in the educational institution or university and to the teachers working in it.

It shall also be permitted, without the author's authorization 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 commonly admitted in such cases. However, the name of the author and the source shall always be specified, if the name of the author is included in the work.

Article 25-1:

It shall be permitted, without the author's authorization and without obligation to pay him compensation, to use a limited part of any legally published work for purposes of imitation, cartoons, caricature or comedy theater.

Article 16: Article 26 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

It shall be permitted, without the author's authorization and without obligation to pay him compensation, to use the work by means of publications, radio programs or audiovisual recordings, provided that it is done solely for purely 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.

Article 17: Article 30 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The media shall be permitted, without the author's authorization, without obligation to pay him compensation, 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.

Article 30-1:

Television and radio broadcasting stations and institutions shall be permitted without the author's authorization and without the obligation to pay him compensation, to make a temporary recording with their own means of any protected work they are authorized to broadcast, provided that this recording is destroyed within three months after the date of its recording. Documentaries are excluded from this obligation of destruction.

Article 18: Article 32 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

It shall be permitted, without the author's authorization 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.

Article 32-1:

It shall be permitted, without the author's authorization and without obligation to pay him compensation, to copy any protected work or adapt it in such a way for disabled people to be able to understand it, and to distribute copies resulting from this copying or adaptation, provided that the work is not available in markets in such a way that these persons can understand it, and that this copying or adaptation or distribution is not for commercial purposes.

Article 19: Chapter VIIa shall be added to the Law # 75/99 of 3 April 1999 in accordance with the following:

**Chapter VI-1a Translation and Copying Authorization for School or University
Educational or Research Purposes**

Article 34-1:

- a) Every Lebanese national may submit a request to obtain a translation authorization to the Arabic language and/or to copy a protected work in accordance with the conditions specified in this Chapter.
- b) Every broadcasting institution whose head office is in Lebanon may submit a request to obtain a translation authorization to the Arabic language of a protected work in accordance with the conditions specified in this Chapter.

Article 34-2: The request for translation into Arabic or for copying shall be submitted to the head of the Intellectual Property Protection Office along with material confirming that the applicant has made, before submitting the request, efforts to receive from the copyright holder a translation and/or copy authorization for the work under reasonable commercial conditions, and that his efforts did not succeed. In the event the copyright holder has not been located, the authorization applicant shall prove that he sent a copy of his request to the publisher whose name is indicated on the work via registered air mail.

Article 34-3:

a) Without prejudice to the provisions of Article 34-2 of this Law, the following conditions shall be met in order to grant any Lebanese national a translation authorization:

1. The work shall be published in Lebanon or in any other country by the copyright holder or under his approval printed or in any other non digital form.

2. The translated copies shall be made in Lebanon a year after the first publishing of the work, or no translation for the work into Arabic shall be published in Lebanon by the holder of the translation right or under his approval one year after the first publishing of the work.

3. A period of six months shall have elapsed since the date on which the authorization applicant met the conditions provided for in Article 34-2 above.

b) Without prejudice to the provisions of Article 34-2 of this Law, the translation authorization shall not be granted in any of the following cases:

1. If the author has withdrawn all copies of his work from circulation.

2. If a work translation into Arabic was published by the holder of the copyright or under his approval during the six-month period provided for in Paragraph a(3) of this Article.

c) Concerning the works that are originally made up of drawings, the translation authorization shall not be granted unless these works also meet the conditions provided for in Article 34-4 of this Law.

Article 34-4:

a) Without prejudice to the provisions of Articles 34-2 and 34-3 of this Law, the following conditions shall be met in order to grant any broadcasting institution whose head office is in Lebanon a translation authorization:

1. The work shall be published in Lebanon or in any other country by the copyright holder, or under his/her approval, in printed or in any other non-digital form.

2. The copy subject to translation shall be a non-pirated copy of the work.

3. The translation shall be used in radio or televisions programs with purely educational purposes or to broadcast the results of scientific or specialized technical researches.

4. These radio or television programs shall be directed at audience or viewers in Lebanon, including programs broadcasted through sound or visual recordings made especially for these programs.

5. Any translation use shall be for non-profit purposes.

b) Without any prejudice to the provisions of Paragraph (a) of this Article, it shall be also permitted to grant an authorization to a local radio or television institution to translate any text embodied in an audiovisual fixation drafted for educational purposes.

Article 34-5:

a) Without prejudice to the provisions of Article 34-2 of this Law, one of the two following conditions shall be met in order to grant any Lebanese national a copy authorization:

1. No copy of the work shall be distributed in Lebanon by the holder of the right or under his/her approval, in printed or in any other non-digital form, to fulfill the public's needs or for educational and academic purposes, at a price reasonably equal to similar works in Lebanon, after the expiry of the following periods:

i. Three years after the first publication of the work concerning works related to biology, sports, technology, including mathematics, provided that no copy authorization is granted before six months have elapsed since the authorization applicant has met the conditions provided for in Article 34-2 above.

ii. Seven years after the first publication of the work concerning works related to science fiction, poetry, theater, music and arts books, provided that no copy authorization is granted before three months have passed after the authorization applicant has met the conditions provided for in Article 34-2 above.

iii. Five years after the first publication of the work, concerning all the other works, provided that no copy authorization is granted before three months have passed after the authorization applicant has met the conditions provided for in Article 34-2 above.

2. If these copies are not offered for sale in Lebanon for at least six consecutive months after the expiry of the three-, seven- or five-year period specified in Paragraph a(1) of this Article.

b) Without prejudice to the provisions of Article 34-2 of this Law, no copy authorization shall be granted in any of the following cases:

1. If the author withdraws all copies of his/her work from circulation.

2. If the work was distributed or offered for sale by the holder of the right or under his/her approval during the six- or three-month periods specified in Paragraph a(1) of this Article.

Article 34-6: Without prejudice to the provisions of Article 34-5 of this Law, any Lebanese national may submit a request to receive an authorization before the head of the Intellectual Property Protection Office to do the following:

1. Copy any audiovisual fixation provided that this fixation is made and published specifically for educational purposes.

2. Translate any text included in this audiovisual fixation into Arabic.

Article 34-7:

a) The authorizations subject of this chapter shall be:

1. Only for school, university educational or research purposes.

2. Non-exclusive.

3. Non-transferable to third parties concerning related rights on pain of nullity.

b) All work copies subject to authorization shall include the following:

1. The title of the work and the name of its author.

2. A warning specifying that these copies shall be distributed exclusively in Lebanon.

c) Concerning the execution of the provisions of Articles 34-3 and 34-5 of this Chapter, the translated or copied work by virtue of the authorization shall be published in a printed or any other non-digital form.

Article 34-8:

The authorizations subject of this Chapter shall be granted by virtue of a decision issued by the minister of economy and trade under specified conditions, in particular with respect to their duration, scope of application in Lebanon, and the fair compensation due to the copyright holder. However, the authorization shall not be granted unless the authorization applicant proves that he/she has paid the copyright holder the compensation due to him/her.

This decision can be challenged before the Civil Court of Appeal in Beirut within 30 days from the date of the authorization decision's issuing.

Article 34-9:

If the authorization holder fails to abide by the conditions specified in the authorization's decision, the copyright holder or any other authorized person may refer to the competent judicial body to obtain a decision ordering the withdrawal of this authorization.

Article 34-10:

- a) The translation authorizations' validity provided for in Article 34-3 expires if a translation of the work in Arabic was published in Lebanon by the copyright holder or under his/her approval, whether printed or in any other non-digital form, for a price reasonably equal to the price of similar works, and if this translation contains the same content of the published translation by virtue of the authorization. However, copies produced before the authorizations' expiry date may be distributed while stocks last.
- b) The validity of copy authorizations provided for in Article 34-5 expires if they are distributed in Lebanon by the copyright holder, whether in printed or in any other non-digital form, for a price reasonably equal to that of similar works, to fulfill the public's needs or for academic and university purposes, provided that this copy is written in the same language and contains the same content of the copy published by virtue of the authorization. However, copies produced before the authorizations' expiry date may be distributed while stocks last.

Article 20: Article 36 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Except for the rights specified in paragraphs (3) and (4) of Article 43, producers of sound recordings shall enjoy protection in the following cases:

If the producer of the sound recording is Lebanese or a national of a State party to the 1961 Rome International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (26 October 1961) or to any convention or agreement governing the related rights, in which Lebanon is a member.

a- If the first fixation of sound is undertaken in Lebanon or in a State party to the above-mentioned conventions or agreements;

b- If the sound recording is first published in Lebanon or in a State party to the above-mentioned conventions or agreements.

c- If the sound recording is first published outside Lebanon and outside the States that are party to the above-mentioned conventions or agreements, provided that the sound recording is also published in Lebanon or in a State that is party to any of said conventions or agreements, within 30 days from the date of the first publication.

Article 21: Article 37 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Except for the rights specified in paragraphs (5) and (6) of Article 39, performers shall enjoy protection in the following cases:

When their performance is undertaken in Lebanon or in a State party to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, signed in Rome on 26 October 1961, or to any convention or agreement governing related rights, in which Lebanon is a member.

- (a) When their performance is fixed in a sound recording protected under Article 36 of this Law;
- (b) When their unfixed performance is fixed in a sound recording through a program protected under Article 38 of this Law.

Article 22: Article 38 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Broadcasting institutions shall enjoy protection in the following two cases:

- a- If the head office of the institutions is located in Lebanon or in a State party to the above-mentioned Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations or to any convention or agreement governing related rights, in which Lebanon is a member.
- b- If the program is broadcasted via a transmission device located in Lebanon or in a State party to any of the conventions or agreements mentioned in paragraph (a) of this article.

Article 23: Article 39 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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

- 1- The broadcasting or communication to the public of their unfixed performance.
- 2- The fixation or recording of their unfixed performance on any concrete material;
- 3- The copying of their fixed performance on sound recordings.
- 4- The rental of their original fixed performance or a copy of it to the public for commercial purposes.
- 5- The distribution of their original fixed performance in sound recordings or a copy of it to the public by sale or any other property transfer means.
- 6- Making their fixed performance available to the public through wire or wireless means (such as the internet) in such a way that every person may access this fixed performance from a place and a time chosen by him/her.

B- The protection specified in paragraphs (5) and (6) of this Article shall be granted to the performers in the following cases:

- 1) When the performance is made in Lebanon or in a State party to any convention or agreement protecting these rights, in which Lebanon is a member.
- 2) When the performance is fixed on a sound recording protected by the provisions specified in Paragraph (c) of Article (43) of this Law.

Article 24: Article 40 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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

Article 25: Article 42 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The radio and television companies, institutions and bodies referred to in Article 38 of this Law shall have the right to authorize or prohibit the following:

- The rebroadcast of their programs by whatever means;

- Transmitting their television programs to the public;
- The fixing or recording of their programs on any concrete material;
- The copying of unauthorized recordings of their radio and television programs.

Article 26: Article 43 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

A-Producers of sound recordings shall enjoy the following exclusive rights:

- 1) The copying of their sound recordings;
- 2) The rental of their original sound recordings or a copy of them to the public, for commercial purposes;
- 3) The distribution of their original sound recordings or a copy of them to the public through sale or any other means of property transfer;
- 4) Making their sound recordings available to the public through wire or wireless means (such as the internet) in such a way that every person may access this sound recording from a place and a time chosen by him/her.

C- The protection provided for in paragraphs (3) and (4) of this Article shall be granted to the sound recording producers in each of the following cases:

- 1) If the sound recording producer is Lebanese or a national of a country party to any convention or agreement protecting these rights, and in which Lebanon is a member.
- 2) If the sound fixation is first undertaken in Lebanon or in any country party to any convention or agreement protecting these rights, and in which Lebanon is a member.
- 3) If the sound recording is first published in Lebanon or in a country party to any convention or agreement protecting these rights, and in which Lebanon is a member.

Article 27: Article 45 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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

Article 28: Article 54 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

All economic related rights of performers shall enjoy protection for a period of 50 years to be calculated from the end of the year in which the performance has been made or fixed.

Article 29: Article 88 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Any person who arranges or facilitates for third parties the reception of the transmission or broadcast mentioned in the previous Article shall be liable to imprisonment for a period varying from one month to three years and/or to a fine of LBP 5-50 million. The punishment shall be doubled in the event of repetition.

Article 88-1: Any person who intently and without the authorization of the holder of the copyright or related rights who carries out any of the following acts shall be liable to imprisonment for a period varying from one month to three years and/or to a fine of LBP 5-50 million, or by both such imprisonment and fine:

- a- Removes or modifies information related to the rights' system;
- b- Imports in order to sell, rent or offer to sell or rent; possesses in order to sell or rent; or sells or rents a protected work, fixed performance or sound recording if he/she knew or could know that the information related to the rights' system has been removed or modified.

Article 88-2: Any person who intently and without the authorization of the holder of the copyright or related rights who carries out any of the following acts shall be liable to imprisonment for a period varying from one month to three years and/or to a fine of LBP 5-50 million, or by both such imprisonment and fine:

- a- Circumvents, annuls or hampers any of the efficient technical procedures to use a work or fixed performance or sound recording that is illegally protected;
- b- Manufactures or imports in order to sell, rent, or offer to sell or rent; possesses in order to sell or rent; sells leases, distributes or promotes to sell or rent any technology, procedure, means, or device that is designed, produced or used especially for circumventing, annulling, or hampering any of the efficient technical procedures.
- c- Provides services for the purpose of circumventing, annulling or hampering any of the efficient technical procedures.

Article 88-3: According to Article 88-2, the following shall not be considered a violation:

- a- When the circumvention, annulling or hampering of the efficient technical procedures aims exclusively at the legal use of the protected work, fixed performance or sound recording.
- b- Cases that do not fall under Paragraph (a) of this Article and that shall be determined by virtue of a Council of Ministers decree, upon the proposal of the minister of economy and trade.

Article 30: Article 89 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

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 the damage or the head of the Intellectual Property Protection Office.

In the case of joint works, each party in the joint work shall enjoy the right to institute the legal action before the competent court to take any (preventative measures or to prohibit the violation of any of the author's rights concerning this work.

Article 31: Article 91 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

Without prejudice to Article 66 of the Customs Law, it shall be absolutely prohibited to import, warehouse, introduce to the free zone or transit all sound recordings and imitated works of recordings and legally protected works, on the Lebanese territories. Such works shall be seized wherever found.

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 32: Article 97 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

The judgment rendered in the above-mentioned proceedings shall provide for the imposition of the following complementary penalties:

1. The judgment shall be posted for a period of 30 days at the places designated by the court and in the defendant's offices, the Chamber of Industry, Commerce and Agriculture and shall be published in two local newspapers designated by the court that has rendered the judgment, at the defendant's expense;
2. If the defendant 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 its publication in the two newspapers mentioned above.
3. The forfeiture of the defendant's capacity to vote or elect as a member of the boards of commercial chambers, associations, syndicates, co-ops, labor arbitration councils, Parliament, municipality councils, or consultative bodies for a period that does not exceed five years.

Article 33: Article 98 of Law # 75/99 of 3 April 1999 shall be amended in accordance with the following:

All works, performances, sound recordings and radio programs created or broadcasted 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 expiration of the protection period provided for in the legislation in force in Lebanon or by virtue of the legislation in force in their original country.

Article 34: This law shall enter into force on the day of its publication in the Official Gazette.