

Lebanese Copyright Law Guidelines for the Attention of the Haigazian University Community

A new and modern Copyright Law (Law No 75/1999) was enacted on April 3, 1999, and entered into force on June 6, 1999.

The protection of the above copyright Law applies 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. Said protection applies, 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 dramatic-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.

The following derivative works are also subject to the provisions of the copyright law and are 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.

It is to be noted that the following is excluded from the protection provided by the copyright 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.

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

The copyright holder enjoys economic and moral rights.

The copyright holder has the exclusive right to exploit the work commercially and, accordingly, has 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.

The copyright holder enjoys the following moral rights over his work:

- 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;

Notwithstanding the above, the copyright law provides for several exceptions. These main exceptions are listed below:

- 1) 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.
- 2) 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.

- 3) 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.

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- 4) It is 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.
- 5) 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.
- 6) It is 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.
- 7) It is 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.
- 8) It is 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.

In the light of the foregoing, 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.

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.

As accepted by the HU Cabinet on November 28, 2007