Court of Appeal for Misde- meanors in Mount Lebanon - Jdeidet Al Metn - Decision No 1134/2016

Samer Ghaleb Ramadan v. L'Oreal

President Faisal Haidar and Counselors Nazem Al Khoury and Sandra Al Kassis - Decision No 134 issued on 20/04/2016 - Jdeidet Al Metn

Counterfeit - Registration Effects - Deviation of Clients.

Background Facts

The Respondent, L'Oreal, is a company manufacturing, producing, selling and exporting cosmetic, skincare, hair care and perfume products. The trademark of the company was duly registered and acquired an important international fame.

L'Oreal discovered that its products are being counterfeit thus it filed a criminal complaint against an unknown person.

The investigations showed that the Appellant, Samer Ramadan, a trader of cosmetics, imported a counterfeit products from China bearing the trademarks of L'Oreal and sold them in the Lebanese market for a low price.

Proceedings

The Single Criminal Judge in Al Metn issued a judgment on 15/01/2015 in which he convicted the Defendants Samer Ghaleb Ramadan and Ramadan Group LLC for counterfeit and imposed upon them to pay fines and compensations to the Plaintiff.

On 18/11/2015 Samer Ramadan, the current Appellant, filed an Appeal and asked to annul the above judgment for lack of the criminalization elements of the offence he was convicted of.

The Respondent, L'Oreal, requested confirmation of the judgment.

Submissions

Said facts were corroborated:

by the perused documents;

* by the direct complaint;
* by the report of the preliminary investigations.

Issues of Law

,4s per the Form

The Appeal was submitted within the legal time-limit and fulfills all the formal conditions.

As per the Law

The Court decided that the Respondent committed counterfeit act in addition to fraudulent deviation of clients of a third party to him.

These acts constitute misdemeanors sanctioned by articles 714 and 720 of the Lebanese Penal Code Law.

Disposition

First: the Court accepted the Appeal in form;

Second: the Court rejected the Appeal in substance;

Third: the Court rejected all the other augmenting or contradicting grounds and requests; Fourth: the Court imposed all fees and costs upon the Appellant.

Decision issued in Jdeidet El-Metn on 20/04/2016..

Source: SADER Rany, SADER Courts’ Series:

Intellectual Property in Lebanon, SADER Legal Piblishing,2017, P 166.