Single Criminal Judge in Bei- rut - 2nd Chamber - Decision 930/2015

L'Oreal v. Claude Nassif

President Sadeq - Decision No 930 issued on 25/02/2015 - Beirut

Counterfeit - Registration Effects - Deviation of Clients.

Background Facts

The Plaintiff, L'Oreal Company, is specialized in the manufacturing, production, sale and exportation of several cosmetic, skin care, haircare and perfume products and their derivatives.

The Defendant Claude Nassif who resides in Awkar, owns a haircut salon in Sin el Fil where cosmetics bearing the trademarks registered in the name of the Plaintiff Company was caught.

However, the Defendant denied knowing that said products bear a counterfeit trademark.

Proceedings

The Plaintiff presented a complaint to the Appellate Public Prosecution in Beirut who referred it to the Single Criminal Judge in Beirut.

Submissions

Said facts were corroborated:

* by the public prosecution;
* by the civil action;
* by the preliminary investigations and interrogation;
* by public trial;
* by the whole documents of the file.

Issues of Law

Based on article 9 of the Criminal Procedure Law, the applicability of the territorial jurisdiction of the criminal authority applies based on one of the three following elements: the place of occurrence of the offence or the place of residence of the defendant or the place of the arrest.

In the present case, none of the three elements is fulfilled.

Disposition

First: to declare the lack of territorial jurisdiction of this court to hear the present case;

Second: to refer the file to the Appellate Public Prosecution in Beirut to submit it to the competent authority;

Third: to retain the legal fees and costs and not examine the augmenting and contradicting grounds and requests for lack of jurisdiction.

Judgment issued in Beirut on 25/02/2015.

Source: SADER Rany, SADER Courts’ Series:

Intellectual Property in Lebanon, SADER Legal Piblishing,2017, P 137.