Single Criminal Judge - Beirut -

Decision No 269/2015

Eli Lilly & Company (USA) v. Sami- ha Aziz Skaff and Sarkis Toros- sian Pedros

President Wael Sadeq - Decision no 269 issued on 30/11/2015 - Beirut

Counterfeit - Spatial Jurisdiction.

Background Facts

The Plaintiff, Eli Lilly & Company (USA), specialized in the innovation, manufacture and export of medicines and treatments related to incurable physical and mental diseases.

The Plaintiff owns several registered trademarks including the CIALIS brand.

The Defendants are the owners of a shop, located in Burj Hammoud in the Metn district where they reside as well. Counterfeit medicines were seized in said store and among the seized products the medication CIALIS. Moreover, the Defendants sold medicines without any license or authorization.

Proceedings

The Plaintiff seized the Investigating Judge who issued an indictment that was referred to the single judge in Beirut by the Appellate Prosecutor's Office in Beirut.

Submissions

Said facts were corroborated:

* by the public proceedings;
* by the civil action;

-by the preliminary and interrogative investigations;

* by the public trial;

-ball documents present in the case file.

Issues of Law

As per the Form

Based on article 9 of the Code of Criminal Procedure the spatial jurisdiction of a court is established by one of the following elements: the area in which the offense was committed, the place of residence of the Defendant, or the place in which the Defendant was apprehended.

When none of these elements is materialized, the spatial jurisdiction is lacking thus the Court won't be considered competent.

Disposition

First: to declare the present Court's lack of spatial jurisdiction over the present case;

Second: to refer the case to the Appellate Prosecutor's Office in Beirut in order to deposit it before the competent authority.

Decision issued in Beirut on 30/11/2015

Source: SADER Rany, SADER Courts’ Series:

 Intellectual Property in Lebanon, SADER Legal Piblishing,2017, P 139.