

IIPA GSP Post-Hearing Brief on Lebanon IPR Review

Accepted Case # 016-CP-05

Lebanon IPR

IIPA – ANSWERS TO QUES FROM
HEARING AS POST-HEARING BRIEF

December 14, 2005

Memorandum to: Marideth J. Sandler, Executive Director of the GSP Program
and Chairwoman of GSP Subcommittee Office of the U.S.
Trade Representative

From: Joseph S. Papovich, Senior Vice President International,
Recording Industry Association of America, on behalf of the
International Intellectual Property Alliance

Subject: FOLLOW-UP QUESTIONS FOR WITNESSES
TESTIFYING AT THE GSP PUBLIC HEARING ON
COUNTRY PRACTICE PETITIONS, 2005 ANNUAL
REVIEW, November 30, 2005

The International Intellectual Property Alliance (IIPA) offers the following replies in response to the two additional questions posed by the U.S. Government (USG) at the GSP Country Practice Hearing (Nov. 30, 2005):

[Response regarding PAKISTAN (IPR) review deleted from this document.]

Regarding LEBANON (IPR):

In your written testimony, you highlight actions taken by U.S. copyright holders to work with local satellite broadcasters and local movie DVD distributors to pursue civil and other legal remedies. Has this approach been successful in increasing prosecutions against pirates and, if so, can this model be applied to other sectors?

Reply: Inefficiency in the judicial system is a major obstacle to reducing the level of piracy in Lebanon. As noted in IIPA's written testimony, the U.S. copyright community has pursued criminal complaints against cable pirates. Civil cases have also been pursued to a limited extent. Unfortunately, these civil cases have not led to deterrent results.

MPA has also pursued a new approach against the cable pirates, working with satellite broadcasters to pursue actions based on the channels' broadcasting rights. In August 2003, a judge in Beirut issued the first ever injunction against seven cable pirates, based on the broadcasting right. It remains to be seen whether the judicial system can be used

effectively to enforce such orders. In July 2003, the criminal trial court of Beirut convicted 40 cable pirates and sentenced them to pay a total of US\$317,000 in fines and damages, the first time a Lebanese court has penalized cable pirates. The prosecutions were initiated on behalf of Arab Radio & Television. The court also ordered the confiscation of equipment and directed that details of the convictions be published in two local newspapers. The decision has been appealed by the pirates, and the case is still pending before the court of appeals. Because we do not know at this point the outcome of the appeal, we cannot recommend whether this approach should be applied to other sectors.

Lebanon's success in combating piracy would be most greatly augmented and prosecutions increased if Lebanon's public authorities would pursue ex officio action and see to it that such actions conclude with the passing of deterrent sentences by the courts.