

State Intellectual Property Office
of the Republic of Croatia

**STATISTICAL REPORT ON THE INFRINGEMENTS OF
INTELLECTUAL PROPERTY RIGHTS IN CROATIA**

Annual report 2008

Zagreb, June 2009

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1. FOREWORD

In the accession negotiations of the Republic of Croatia to the European Union, the Intellectual Property Law has been singled out under separate Chapter 7. In addition to the harmonization of legislation, special attention in this Chapter has been paid to the provision of effective enforcement of intellectual property rights. The negotiations relating to Chapter 7 were open on 29 March 2007, and the Chapter was preliminary closed on 19 December 2008.

The statistical data on the infringements of intellectual property rights, as presented in this report have been processed in accordance with the methodology developed in the course of the negotiations. The data have been collected and consolidated into this report by SIPO.

Statistical data on the committers of criminal offences and committers of misdemeanours are based on the official data provided by the Ministry of Justice and the State Attorney's Office of the Republic of Croatia. The data on the committers of criminal offences comprising infringements of intellectual property relate to the persons as reported, accused and convicted. The methodology includes final decisions issued by the State attorney's offices on reports of criminal offences, as well as final court decisions. The data on the committers of misdemeanours relate to the natural persons accused and to persons found guilty, as well as to legal persons found responsible for a misdemeanour comprising infringements of intellectual property. The methodology includes final decisions taken by misdemeanour courts.

Data provided by the Ministry of the Interior relate to the number of criminal offences comprising infringements of intellectual property as reported in 2008.

Data provided by the Customs Administration relate to the number of procedures ex officio and the number of procedures upon request of the right holder instituted in the period covering 2004 to 2008. In addition to this, presentations are made of data on the goods as destructed, data on the so-called discontinuation of procedure, and

data on the cases pending before courts. A discontinuation of the procedure relates to the cases in which the right holder, after detention of goods, failed to initiate further processing due to the fact that goods were original (genuine) or due to the fact that the right holder didn't have interest in taking measures for the protection of his/her right in spite of the fact that counterfeit goods were concerned. Data on the value of goods expressed in euros, as well as the number and types of products are presented.

Data provided by the State Inspectorate relate to the number of inspections as conducted by trade inspectors, and the number of requests for the institution of the misdemeanour procedure with respect to each individual infringement of intellectual property rights as filed in the period from 2004 to 2008.

Data provided by the Ministry of Justice relate to the number of cases before the municipal and county courts, commercial courts and the number of cases before the Administrative Court in 2008.

**2. CRIMINAL AND MISDEMEANOUR PROTECTION – A
COMPREHENSIVE COURSE OF THE CRIMINAL AND
MISDEMEANOUR PROCEDURES**

Table 2.1.
COMPREHENSIVE COURSE OF THE CRIMINAL PROCEDURE FROM A CRIMINAL OFFENCE REPORT TO THE COURT DECISION FOR A PERIOD 1998 - 2008

Criminal offences	Criminal offence reports		State Attorney's Office					Unknown committers	Courts									
	Total	By the police	Total	Decisions					Total	Decisions				Sanctions				
				Report rejected	Investigation discontinued	Investigation suspended	Indictment			Found guilty	Suspension of the criminal procedure	Acquittal	Refusal	Total	Imprisonment		Fine	Other sanctions
															Unconditional	Conditional		
Infringements of the rights of authors or of the rights of performers, Art.229	47	10	47	22	-	3	18	4	22	4	13	3	2	4	-	2	2	-
Unauthorized use of an author's work or of a performer's performance, Art.230	3304	2751	3542	464	-	3	2965	125	3109	2498	263	172	176	2498	17	1141	1267	73
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231	96	98	96	12	-	-	78	6	78	55	16	2	5	55	1	28	33	
Infringement of the right conferred by an invention applied for or protected, Art.232	28	6	28	23	-	-	5	-	10	7	3	-	-	7		4	1	2
Infringement of the industrial property rights and un authorized use of somebody else's firm, Art.285	631	493	631	106	-	2	502	16	484	397	32	29	26	397	4	177	214	2

COMPREHENSIVE COURSE OF THE CRIMINAL PROCEDURE FROM A CRIME REPORT TO THE COURT DECISION FOR A PERIOD COVERING 1998 – 2008

In the period under review 47 persons were reported of having committed a criminal offence comprising the infringement of the rights of authors or the rights of performers referred to in Article 229 CC¹. The State Attorneys Office rejected reports filed against 22 persons, the investigation was suspended in three cases, and 18 persons were accused. Four reports were filed against unknown committers. Four committers were found guilty, the criminal procedure against 13 persons was suspended, acquittal was pronounced in three cases and refusal was pronounced in 2 cases. As regards the types of the sanctions as imposed, a fine was imposed on two committers, and a conditional imprisonment on two committers.

In the same period 3304 persons were reported of having committed a criminal offense comprising an unauthorized use of an author's work of a performer's performance referred to in Article 230 CC. The State Attorneys Office rejected reports filed against 464 persons, the investigation was suspended in three cases, and 2965 reported persons were accused. 125 reports were filed against unknown committers. 2498 committers were found guilty, the criminal procedure against 263 persons was suspended, 172 acquittals and 176 refusals were pronounced. As regards the types of the sanctions as imposed, unconditional imprisonment was imposed on 17 persons, conditional imprisonment on 1141 persons, and a fine on 1267 persons. Other sanctions were imposed in 73 cases.

Furthermore, in the same period 96 persons were reported of having committed a criminal offense comprising the infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings referred to in Article 231 CC. The State Attorneys Office rejected reports filed against 12 persons, and 78 reported persons were accused. 6 reports were filed against unknown committers. 55 persons were convicted, the criminal procedure was suspended in 16 cases, acquittal was pronounced in 2 cases and refusal in 5 cases. As regards the

¹ Criminal code

types of the sanctions as imposed, unconditional imprisonment was imposed on 1 person, conditional imprisonment on 28 persons, and a fine on 33 persons.

28 persons were reported of having committed a criminal offence comprising the infringement of the rights conferred by an invention applied for or protected referred to in Article 232 CC. The State Attorneys Office rejected reports filed against 23 persons, and 5 reported persons were accused. 7 persons were convicted, and the criminal procedure was suspended in 3 cases. As regards the types of the sanctions as imposed, conditional imprisonment was imposed on 4 persons, and a fine on one person. Other sanctions were imposed on 2 persons.

631 persons were reported of having committed a criminal offence comprising the infringement of industrial property rights and unauthorized use of somebody else's firm referred to Article 285 CC. The State Attorneys Office rejected reports filed against 106 persons, the criminal procedure was suspended in 2 cases, and 502 persons were accused. 16 reports were filed against unknown committers. 397 persons were found guilty, and the criminal procedure was suspended in 32 cases. Acquittal was pronounced in 29 cases, and refusal in 26 cases. As regards the types of the sanctions as imposed, unconditional imprisonment was imposed on 4 persons, conditional imprisonment on 177 persons and a fine on 214 persons. Other sanctions were imposed on 2 persons.

Table 2.2.

MISDEMEANOUR PROTECTION - A COMPREHENSIVE COURSE OF THE MISDEMEANOUR PROCEDURES, 2000 - 2008

Misdemeanour offences	Natural person							Legal and responsible persons					
	Misdemeanour reports	Decisions		Sanctions				Misdemeanour reports	Decisions		Sanctions		
	Total	Accused	Found guilty	Total	Imprisonment	Fine	Reprimand/Admonition	Total	Accused	Found guilty	Total	Fine	Reprimand/Admonition
Infringement of the copyright provisions ("PIRATED COPIES")	35488	35488	19846	19839	7	17945	1894	12085	12085	3516	3516	2789	727
Infringement of the provisions on trademarks and other indications	2579	2579	1900	1900	-	1598	302	2147	2147	1128	1128	850	278
Infringement of the patent and technical improvements provisions	88	88	69	69	-	60	9	68	68	41	41	37	4

MISDEMEANOUR PROTECTION – COMPREHENSIVE COURSE OF THE MISDEMEANOUR PROCEDURE IN THE PERIOD COVERING 2000 – 2008

In the period under review, 35 488 misdemeanour reports were filed against natural persons for the infringement of the copyright provisions. In the same period 12 085 reports were filed against legal and responsible persons for the infringement of the mentioned provisions. 19 846 natural persons and 3 516 legal and responsible persons were found guilty due to the commitment of the mentioned misdemeanours, so the imprisonment was imposed on 7 natural persons, a fine on 17 945, and reprimand or admonition, respectively on 1 894 persons. Fines were imposed on 2789 legal and responsible persons, and reprimands or admonitions on 727.

In the same period, 2 579 misdemeanour reports were filed against natural persons for the infringement of the provisions on trademarks and other indications. 2 147 reports were filed against legal and responsible persons for the infringement of the mentioned provisions. 1 900 natural persons and 1 128 legal and responsible persons were found guilty for the commitment of the mentioned misdemeanours, so a fine was imposed on 1 598 committers – natural persons, and reprimand or admonition, respectively, on 302 persons. A fine was imposed on 850 legal and responsible persons, and reprimand or admonition, respectively, on 278.

Finally, in the period under review, 88 misdemeanour reports were filed against natural persons for the infringement of the patent and technical improvements provisions. In the same period 68 reports were filed against legal and responsible persons for the infringement of the mentioned provisions. 69 natural persons and 41 legal and responsible persons were found guilty for the commitment of the mentioned provisions, so a fine was imposed on 60 committers – natural persons, and reprimand or admonition, respectively, on 9 persons. Fines were imposed on 37 legal and responsible persons, and reprimand or admonition, respectively, on 4 persons.

The analysis of the respective data shows that a significant number of misdemeanour reports were filed for the infringement of the copyright provisions (pirated copies), and even the most severe sanctions, such as imprisonment, were imposed in several cases in the misdemeanour procedure. The minimum number of misdemeanour

reports were filed for the infringement of the patent and technical improvements provisions. Mostly fines were imposed on the committers of the misdemeanours as committed in this filed.

3. CUSTOMS ADMINISTRATION - DATA ON THE NUMBER, TYPES AND VALUES OF THE GOODS AS SEIZED

For the purposes of the presentation of data relating to the Customs Administration the Tables have been drafted such as follows:

- the number of procedures and the number of seized products (sportswear, sports footwear, clothing accessories, electrical equipment, toners, perfumes, and cosmetics, toys, pyrotechnics, foodstuffs, cigarettes, etc.)
- the types of seized products (sportswear, sports footwear, clothing accessories, electrical equipment, toners, perfumes, and cosmetics, toys, pyrotechnics, foodstuffs, cigarettes, etc.) for each type of the procedure (goods destroyed, legal action before the court, discontinuation of the procedure)
- the number and types of procedures for each category of the seized products (sportswear, sports footwear, clothing accessories, electrical equipment, toners, perfumes, and cosmetics, toys, pyrotechnics, foodstuffs, cigarettes)
- the types of the seized products (sportswear, sports footwear, clothing accessories, electrical equipment, toners, perfumes, and cosmetics, toys, pyrotechnics, foodstuffs, cigarettes) and their value expressed in euros

In the period under observation covering the years from 2004 to 2008, the Customs Administration initiated 615 procedures for the infringement of intellectual property rights. Out of the total number of procedures as initiated, 37% of them were initiated in 2008. The procedures were most frequently initiated upon a request of the right holder.

According to the data provided by the Customs Administration of the Republic of Croatia, 282 procedures for the infringement of the trademarks provisions were instituted in 2007. 29 procedures were instituted ex officio, and 253 procedures were instituted upon a request of the right holder. In 2008, the number of the procedures

as instituted decreased (225), out of which 24 procedures were instituted ex officio, and 201 were instituted upon a request of the right holder.

Taking account of the total number of the procedures as instituted, in 333 cases decisions on the destruction of goods were issued. In 246 cases the procedure was suspended, and in 31 cases a legal action was instituted.

Statistical data on the value of goods declared to the customs authorities show that, in the five-year period under observation, the value of the goods declared to the customs authorities slightly exceeded 7 million euros. The value of the destructed goods slightly exceeded 5 million euros. The value of the goods for which the procedure was suspended amounted to almost 2 million euros, while the value of the goods for which the court proceedings were pending amounted to 170 000 euros.

Statistical data on the number and types of products show that most frequently clothes and clothing accessories were concerned. In 2008, a significant increase in the number of cigarettes was noted, which increased for more than 13 times in relation to 2007.

Indices show that the number of procedures in 2008 decreased in relation to 2007. Furthermore, the number of the procedures in which particular goods were destroyed in 2008 decreased in relation to 2007.

Table 3.1.

STATISTICAL DATA ON THE TYPES OF PROCEDURES INSTITUTED IN THE CASES OF INFRINGEMENTS OF INTELLECTUAL PROPERTY – CUSTOMS ADMINISTRATION

INFRINGEMENTS OF THE TRADEMARKS PROVISIONS	TOTAL	Number of procedures	
		Ex officio	Upon a request of the right holder
TOTAL	615	92	523
2004.	18	9	9
2005.	42	24	18
2006.	48	6	42
2007.	282	29	253
2008.	225	24	201

STATISTICAL DATA ON THE TYPES OF PROCEDURES INSTITUTED IN THE CASES OF INFRINGEMENTS OF INTELLECTUAL PROPERTY (INFRINGEMENTS OF THE TRADEMARK PROVISIONS) – CUSTOMS ADMINISTRATION

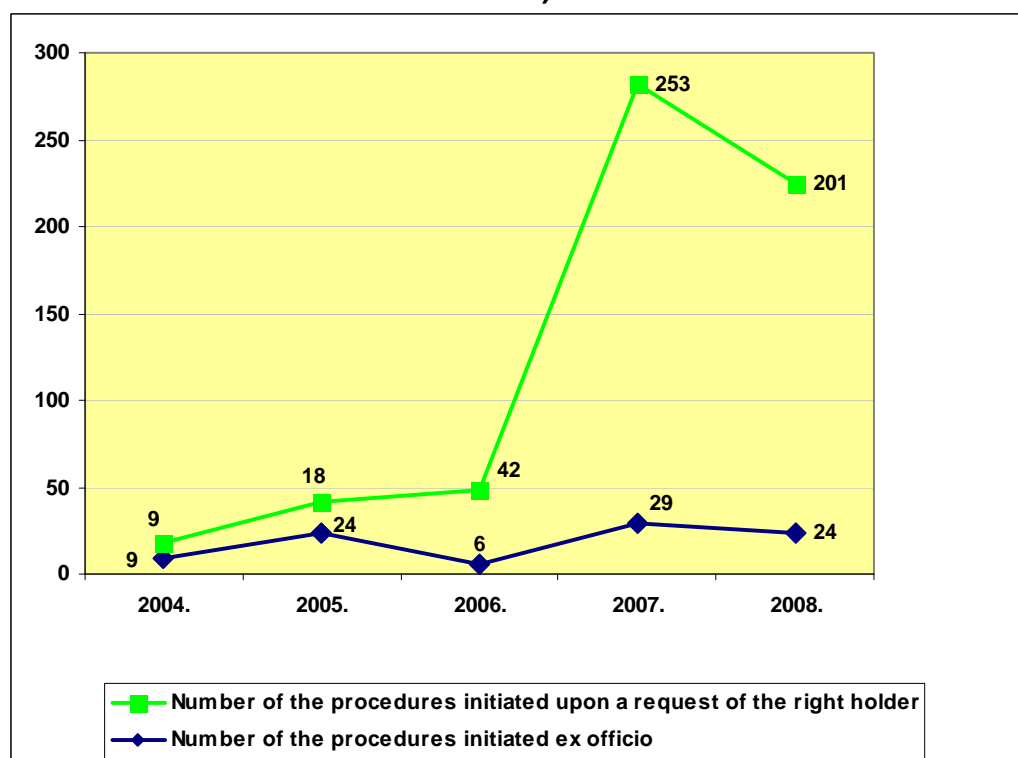


Table 3.2.

STATISTICAL DATA ON THE PROCEDURES INSTITUTED IN THE CASES OF INFRINGEMENTS OF INTELLECTUAL PROPERTY – CUSTOMS ADMINISTRATION

	TOTAL	PROCEDURES		
		Destruction of goods	So-called suspensions	Legal actions before courts
TOTAL	615	333	246	31
2004.	18	11	1	6
2005.	42	9	32	1
2006.	48	21	21	6
2007.	282	151	116	10
2008.	225	141	76	8

STATISTICAL DATA ON THE PROCEDURES INSTITUTED IN THE CASES OF INFRINGEMENTS OF INTELLECTUAL PROPERTY – CUSTOMS ADMINISTRATION

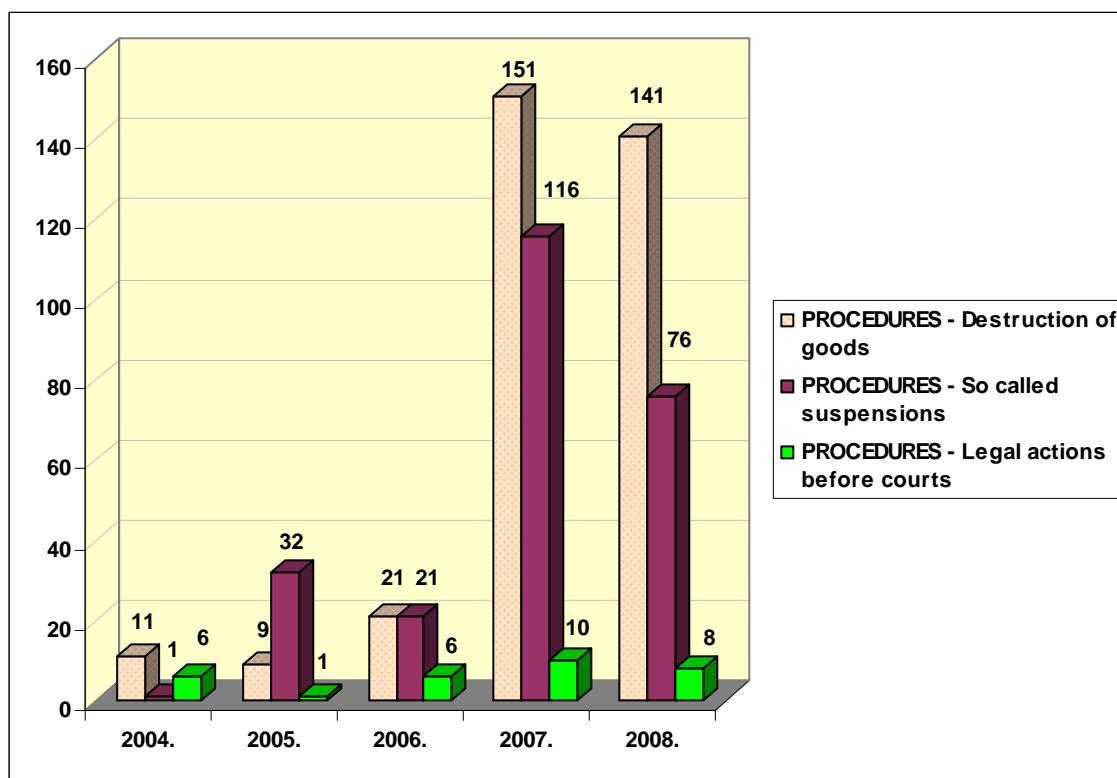


Table 3.3.

STATISTICAL DATA ON THE VALUE OF GOODS – CUSTOMS ADMINISTRATION

	VALUE OF GOODS IN EUROS			
	Reported to the customs authorities	As destructed	Cases of the so-called suspension of the procedure	Cases in respect of which the procedure is pending before the court
TOTAL	6.751.841,39	5.134.144,32	1.482.083,77	135.613,30
2004.	69.479,30	10.010,70	37.589,00	21.879,60
2005.	343.697,25	57.075,22	286.554,53	67,50
2006.	423.641,90	248.550,60	160.625,10	14.466,20
2007.	5.915.022,00	4.818.507,80	997.315,14	99.200,00
2008.	488.773,28	43.122,42	410.975,97	34.674,89

STATISTICAL DATA ON THE VALUE OF GOODS – CUSTOMS ADMINISTRATION

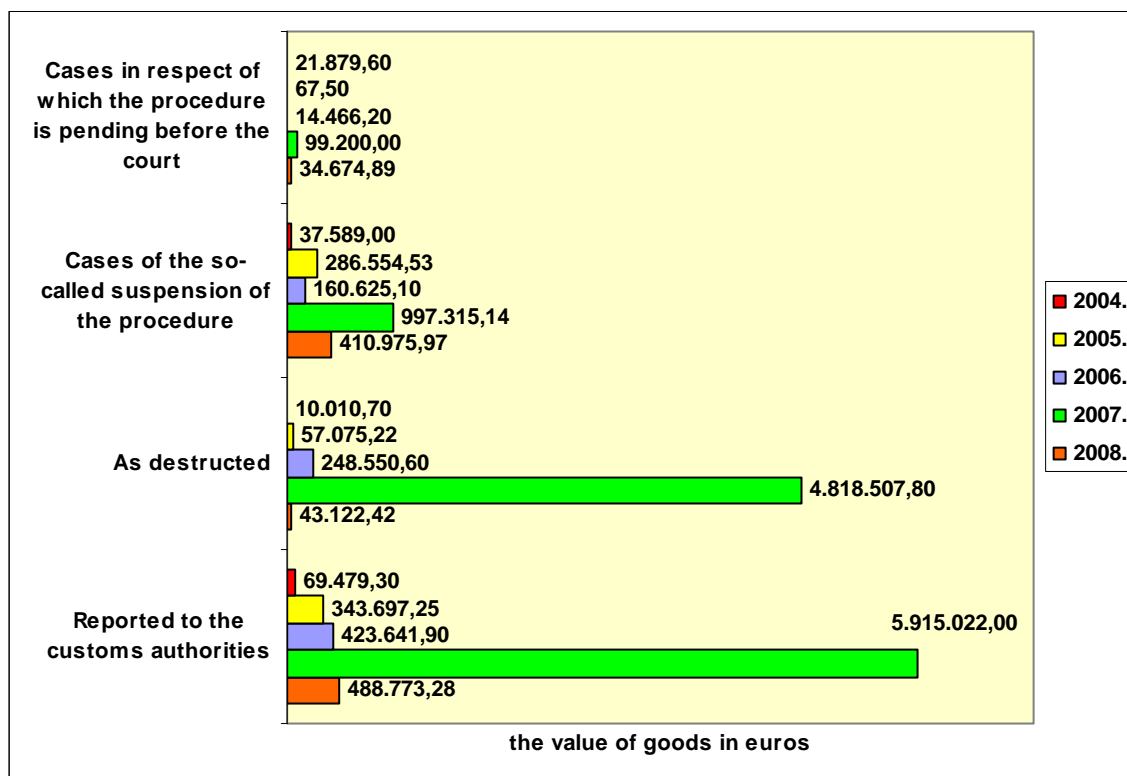


Table 3.4.**STATISTICAL DATA ON THE NUMBER AND TYPE OF PRODUCTS – CUSTOMS ADMINISTRATION**

	TOTAL	Clothes and clothing accessories	Toys	Electric equipment	Watches	Cigarettes	Other
2004.	44 242	31 463	12 779	-	-	-	-
2005.	50 894	48 572	1 700	227	395	-	-
2006.	187 043	186 110	-	390	543	-	-
2007.	20.053.813	460.805	3.600	6.602	-	658.700	119.174
2008.	16.414.331	418.046	840	3.512	12.525	8.643.000	7.336.408

Table 3.5.**INDICES - CUSTOMS ADMINISTRATION**

	<u>2005.</u> <u>2004.</u>	<u>2006.</u> <u>2005.</u>	<u>2007.</u> <u>2006.</u>	<u>2008.</u> <u>2007.</u>
Procedures	233	114	588	80
Goods destroyed	82	233	719	93
Suspension of the procedure	3200	66	552	65
Legal actions before courts	17	600	167	80

Table 3.6.
DATA ON THE NUMBER, VALUE AND TYPE OF THE SEIZED PRODUCTS
AND THE NUMBER OF PROCEDURES IN 2008

Types of seized products	Number of procedures	%	Number of seized products	%
Clothes and clothing accessories	170	75,56	418.046	2,54
a) sportswear	44	19,56	132.128	0,8
b) other clothes	53	23,56	172.550	1,05
c) clothing accessories	73	32,44	113.368	0,69
Electrical equipment	3	1,33	3.512	0,02
Toners	5	2,22	4.510	0,03
Perfumes and cosmetics	11	4,89	6.566	0,04
Toys	1	0,44	840	0,01
Pyrotechnics	2	0,89	7.281.500	44,36
Foodstuffs	2	0,89	6.648	0,04
Cigarettes	6	2,67	8.643.000	52,65
Plastic labels / embossing machines				
watches	16	7,11	12.525	0,08
other	9	4	37.184	0,23
TOTAL	225	100	16.414.331	100

PROPORTION OF THE PRODUCTS SEIZED IN 2008

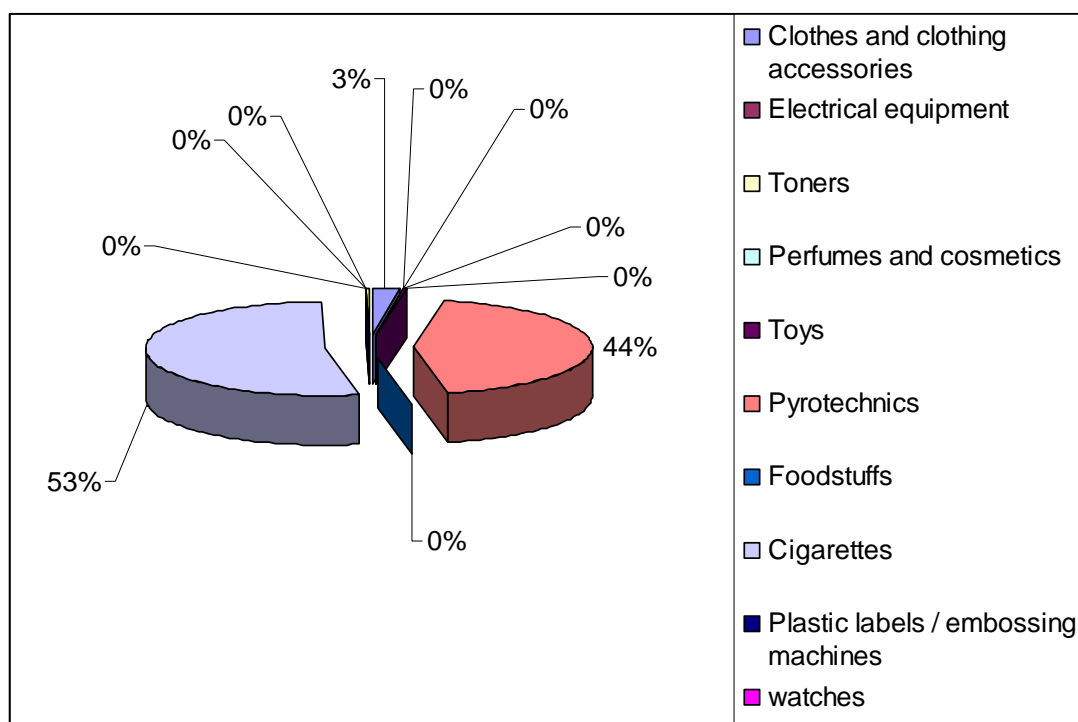


Table 3.7.

DATA ON THE NUMBER AND TYPES OF GOODS SEIZED IN 2008 BY THE OUTCOME OF THE PROCEDURE

Type of seized products	Seized goods as destroyed	Legal action before the court	Discontinuation of the procedure
Clothes and clothing accessories	326.363	16.262	75.421,00
a) sportswear and footwear	122.686		9.442,00
b) other clothes	138.450	750	33.350,00
c) clothing accessories	65.227	15.512	32.629,00
Electrical equipment		3.152	360,00
Toners		2.240	2.270,00
Perfumes and cosmetics	4.504		2.062,00
Toys			840,00
Pyrotechnics			7.281.500,00
Foodstuffs			6.648,00
Cigarettes	8.439.040		203.960,00
Plastic labels / embossing machines			
Watches	10.981		1.594,00
Other	600	1.400	35.184,00
TOTAL	8.780.688	23.054	7.609.839,00

Table 3.8.

DATA ON THE TYPES OF SEIZED PRODUCTS, THE NUMBER AND TYPES OF PROCEDURES IN 2008

Type of seized products	Seized goods as destroyed	Legal action before the court	Discontinuation of the procedure
Clothes and clothing accessories	118	3	49
a) sportswear	37		7
b) other clothes	34	1	18
c) clothing accessories	47	2	24
Electrical equipment		2	1
Toners		2	3
Perfumes and cosmetics	8		3
Toys			1
Pyrotechnics			2
Foodstuffs			2
Cigarettes	5		1
Plastic labels / embossing machines			
Watches	9		7
Other	1	1	7
TOTAL	141	8	76

Table 3.9.

DATA ON THE VALUE OF THE SEIZED GOODS EXPRESSED IN EUROS, THE PROPORTION OF THE PARTICULAR TYPES OF GOODS SEIZED IN 2007 AND 2008

Type of seized products	2007	%	2008	%	comparison 2007 – 2008
Clothes and clothing accessories	2.751.700,71	47	364.440,86	74,56	13,24
a) sportswear	2.203.690,81	38,1	66.257,33	13,56	3
b) other clothes	400.093,40	6,6	277.327,76	56,74	69,31
c) clothing accessories	147.916,50	2,4	20.855,77	4,26	14,1
Electrical equipment	380.500,00	6,3			-100,00
Toners	197.778,55	3,2	51.674,63	10,57	26,13
Perfumes and cosmetics	198.481,00	3,2	15.373,09	3,15	7,75
Toys	1.483,20	0,02	370,35	0,08	24,97
Pyrotechnics	16.964,48	0,28			-100
Foodstuffs	400,00	-	15,13	0,01	3,78
Cigarettes	2.311.085,00	38,3			-100
Plastic labels / embossing machines	75.000,00	1,24			-100
Watches	0,00	0	22.815,71	4,67	
TOTAL	5.933.392,94	100	488.773,28	100	8,24

VALUE OF THE GOODS SEIZED IN 2007 AND 2008, EXPRESSED IN EUROS

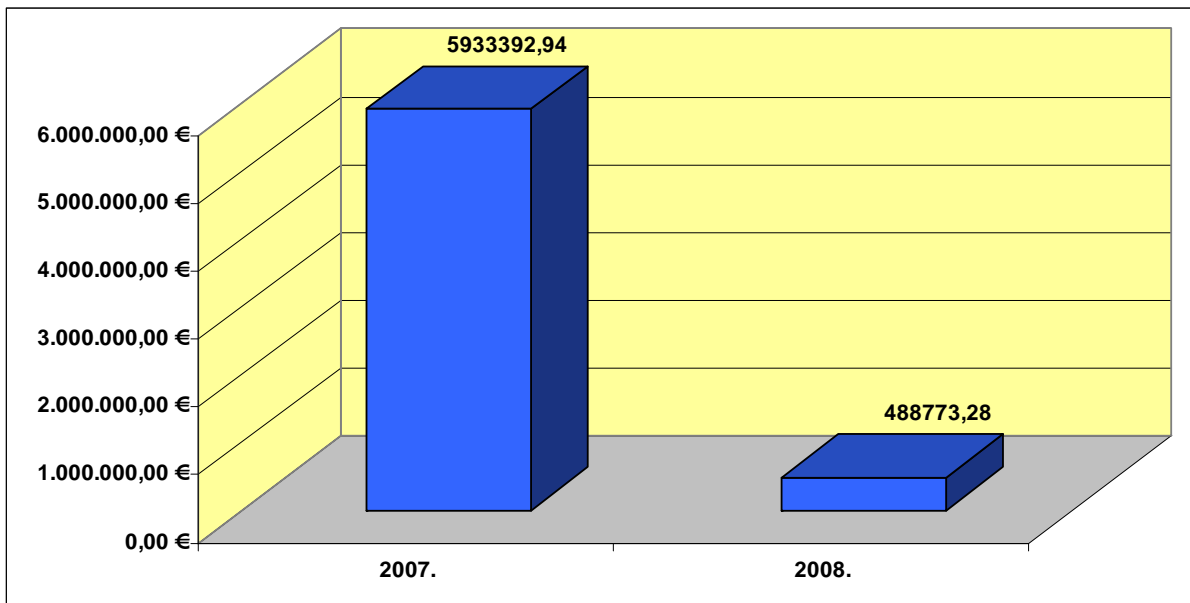


Table 3.10.
CUSTOMS ADMINISTRATION - A COMPREHENSIVE REVIEW

Types of seized products	2004			2005			2006			2007			2008		
	Number of procedures	Number of seized products	Value €	Number of procedures	Number of seized products	Value €	Number of procedures	Number of seized products	Value €	Number of procedures	Number of seized products	Value €	Number of procedures	Number of seized products	Value €
Clothes and clothing accessories	15	31 463	16 122,80	37	48 572	164 373,83	45	186 110	400.287,55	204	413.285	2.751.700,71	170	418.046	364440,86
a) sportswear	9	7 004	9 555,20	11	10 361	102 446,57	28	140 265	244.486,62	96	327.559	2.203.690,81	44	132.128	66257,33
b) other clothes	2	80	372	21	24 448	40 538,84	13	25 044	93.849,93	92	47.513	400.093,40	53	172.550	277327,76
c) clothing accessories	4	24 379	6 195,60	5	13 763	21 388,42	4	20 801	61.951,00	16	38.213	147.916,50	73	113.368	20855,77
Electrical equipment	-	-	-	3	227	163 405,72	3	390	4.349,35	6	6.602	380.500,00	3	3.512	
Toners	-	-	-	-	-	-	-	-	-	4	5.538	197.778,55	5	4.510	51674,63
Perfumes and cosmetics	-	-	-	-	-	-	-	-	-	31	22.564	198.481,00	11	6.566	15373,09
Toys	3	12 779	53 356,50	1	1 700	357	-	-	-	1	3.600	1.483,20	1	840	370,35
Pyrotechnics	-	-	-	-	-	-	-	-	-	1	18.804.932	16.964,48	2	7.281.500	
Foodstuffs	-	-	-	-	-	-	-	-	-	3	71	400	2	6.648	15,13
Cigarettes	-	-	-	-	-	-	-	-	-	29	12.271.220	2.311.085	6	8.643.000	
Plastic labels / embossing machines	-	-	-	-	-	-	-	-	-	2	91.001	75.000,00			
Watches	-	-	-	1	395	15 560,70	1	543	19.005,00	-	-	-	16	12.525	22815,71
Other													9	37.184	
TOTAL	18	44 242	69 479,30	42	50 894	343 697,25	49	187 043	423.641,90	281	31.618.813	5.933.392,94	225	16.414.331	488773,28

4. STATE INSPECTORATE - DATA ON THE NUMBER OF INSPECTIONS AND GOODS AS SEIZED

The most frequently occurring form of infringement of intellectual property rights, found in inspections carried out by the State Inspectorate trade inspectors, is placing into circulation of the products infringing copyright (pirated copies) and the trademark rights (counterfeits).

As regards data on the inspections relating to the protection of copyright, the representations include data on:

- inspections relating to the protection of copyright in computer programs (the number of inspections, the number of computers inspected, the number of illegally installed computer programs, the value expressed in euros)
- inspections relating to the circulation of musical and cinematographic works recorded on audio and video carriers without the authorization of the author – pirated copies (the number of inspections, the number of pieces, the value expressed in euros)
- inspections relating to the circulation and reproduction of books made without the authorization of the author or publisher (the number of inspections, the number of pieces, the value expressed in euros).

According to the data provided by the State Inspectorate (of the Republic of Croatia) the number of inspections as conducted, and the number of requests for the institution of the misdemeanour procedure as filed is monitored. In 2007, State inspectors conducted 3 080 inspections aimed at the protection of intellectual property rights. Out of the total number of the inspections as conducted, in 663 cases requests for the institution of the misdemeanour procedure were filed. In 2008, 6 633 inspections were conducted. 778 requests for the institution of the misdemeanour procedure were filed.

As regards the number of requests for the institution of the misdemeanour procedure, they concern most frequently infringements of the trademarks provisions. In 2007, 277 requests for the institution of the misdemeanour procedure were filed (42% of the total number of the requests as filed). In 2008, State inspectors filed 325 requests for the institution of the misdemeanour procedure (42% of the total number of the requests as filed – the same percentage as in 2007).

In 2008, comparing it with the preceding year, the number of requests for the institution of the misdemeanour procedure due to the infringements of copyright in relation to musical and cinematographic works decreased, while the number of the requests for the institution of the misdemeanour procedure for the infringement of computer programs increased. In 2008, 260 requests for the institution of the misdemeanour procedure for the infringements of the copyright provisions relating to computer programs were filed (in 2007, 155 such requests were filed). In 2008, 173 requests for the institution of the misdemeanour procedure due to the infringements of the copyright provisions relating to musical and cinematographic works were filed (in 2007, 228 such requests were filed).

Indices show that the number of the requests for the institution of the misdemeanour procedure as filed in 2008 increased comparing it with 2007 (index 117). They also show further that the number of inspections in which the infringement of copyright was found in 2008 increased in relation to 2007. Indices of inspections in which the infringement of industrial property was found in 2008, increased for almost three times in relation to 2007 (index 62).

Table 4.1.

STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY IN 2004 – STATE INSPECTORATE

Infringements of provisions		Number of inspections conducted	Number of requests for the institution of the misdemeanour procedure
TOTAL		2019	203
Copyright	Musical and cinematographic works	13	13
	Computer programs	120	28
	Circulation and reproduction of books	0	0
Industrial property	Infringements of the trademark provisions	1877	158
	Infringements of the patent provisions	0	0
	Infringements of the industrial design provisions	9	4
	Infringements of the geographical indications provisions	0	0

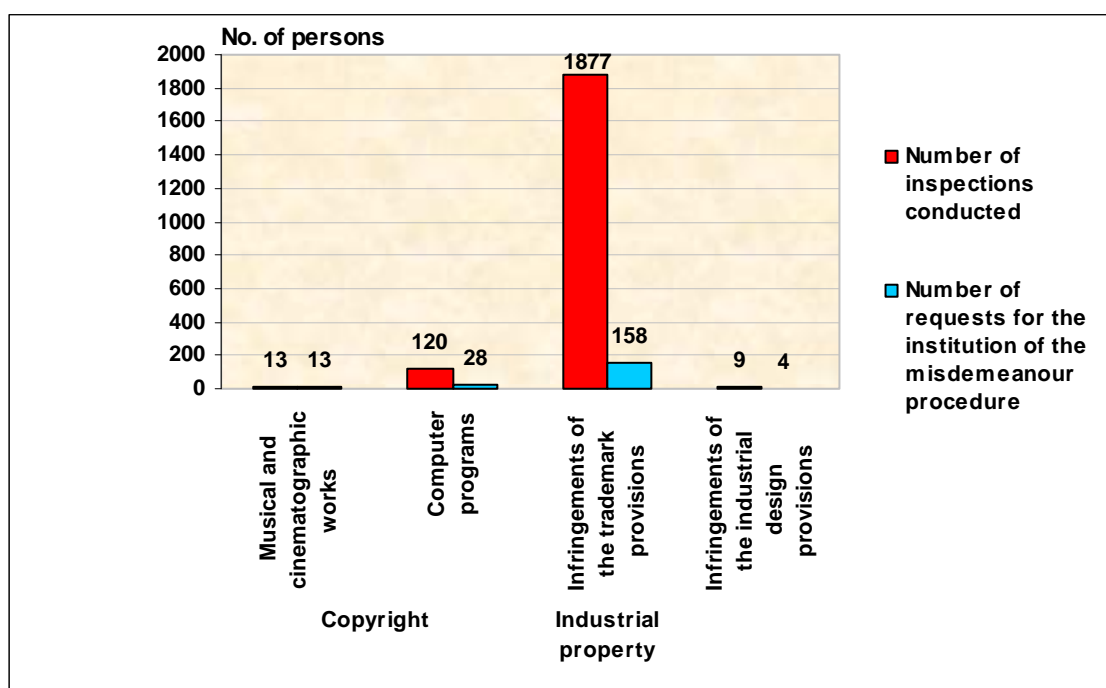


Table 4.2.

STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY IN 2005 – STATE INSPECTORATE

Infringements of provisions		Number of inspections conducted	Number of requests for the institution of the misdemeanour procedure
TOTAL		4457	169
Copyright	Musical and cinematographic works	23	23
	Computer programs	154	44
	Circulation and reproduction of books	0	0
Industrial property	Infringements of the trademark provisions	4276	102
	Infringements of the patent provisions	0	0
	Infringements of the industrial design provisions	4	0
	Infringements of the geographical indications provisions	0	0

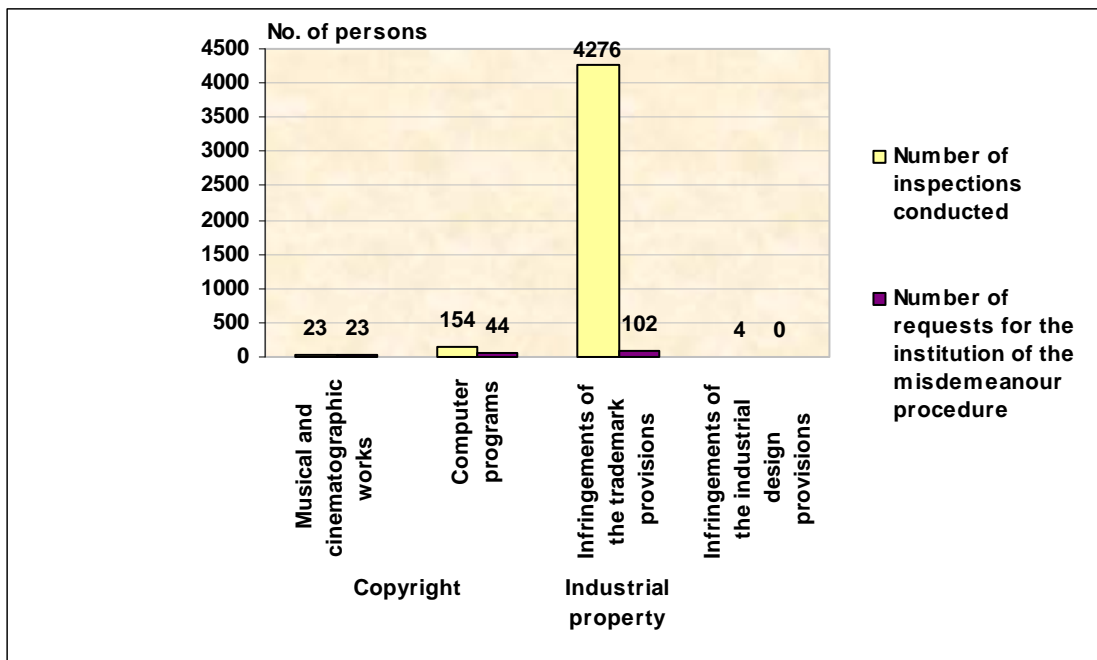


Table 4.3.

STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY IN 2006 – STATE INSPECTORATE

Infringements of provisions		Number of inspections conducted	Number of requests for the institution of the misdemeanour procedure
TOTAL		3570	518
Copyright	Musical and cinematographic works	61	61
	Computer programs	216	89
	Circulation and reproduction of books	35	7
Industrial property	Infringements of the trademark provisions	2486	329
	Infringements of the patent provisions	0	0
	Infringements of the industrial design provisions	540	18
	Infringements of the geographical indications provisions	232	14

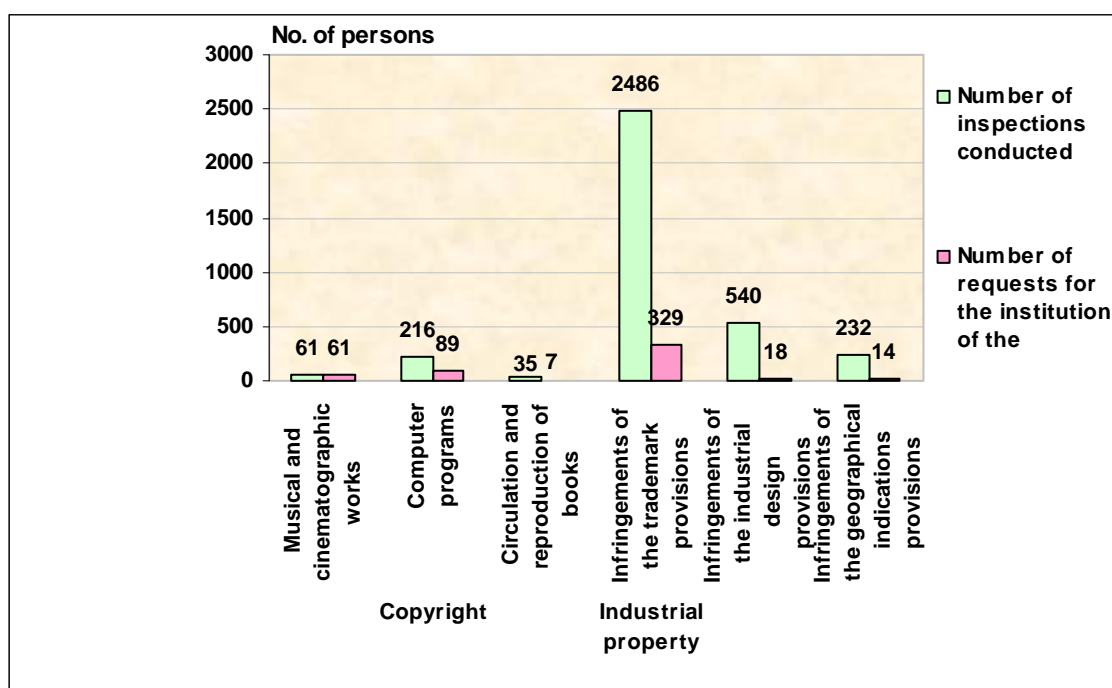


Table 4.4.

STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY IN 2007 – STATE INSPECTORATE

Infringements of provisions		Number of inspections conducted	Number of requests for the institution of the misdemeanour procedure
TOTAL		3080	663
Copyright	Musical and cinematographic works	263	228
	Computer programs	716	155
	Circulation and reproduction of books	77	3
Industrial property	Infringements of the trademark provisions	2020	277
	Infringements of the patent provisions	1	0
	Infringements of the industrial design provisions	3	0
	Infringements of the geographical indications provisions	0	0

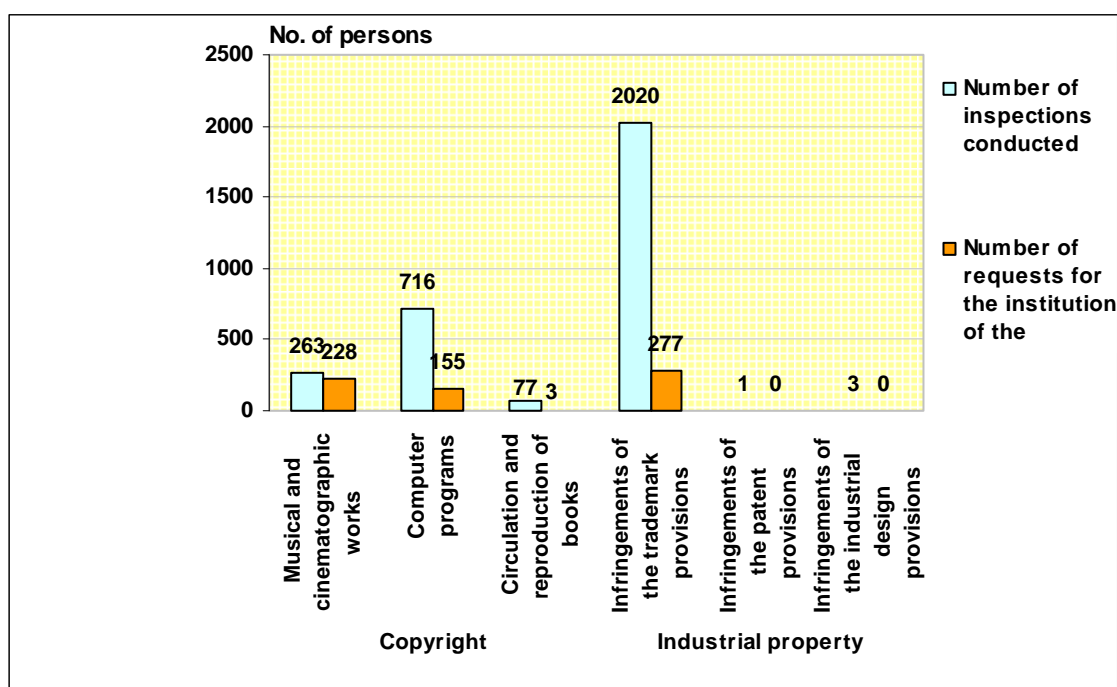


Table 4.5.

STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY IN 2008 – STATE INSPECTORATE

Infringements of provisions		Number of inspections conducted	Number of requests for the institution of the misdemeanour procedure
TOTAL		6633	778
Copyright	Musical and cinematographic works	1791	173
	Computer programs	1269	260
	Circulation and reproduction of books	67	2
Industrial property	Infringements of the trademark provisions	2878	325
	Infringements of the patent provisions	0	0
	Infringements of the industrial design provisions	7	4
	Infringements of the geographical indications provisions	621	14

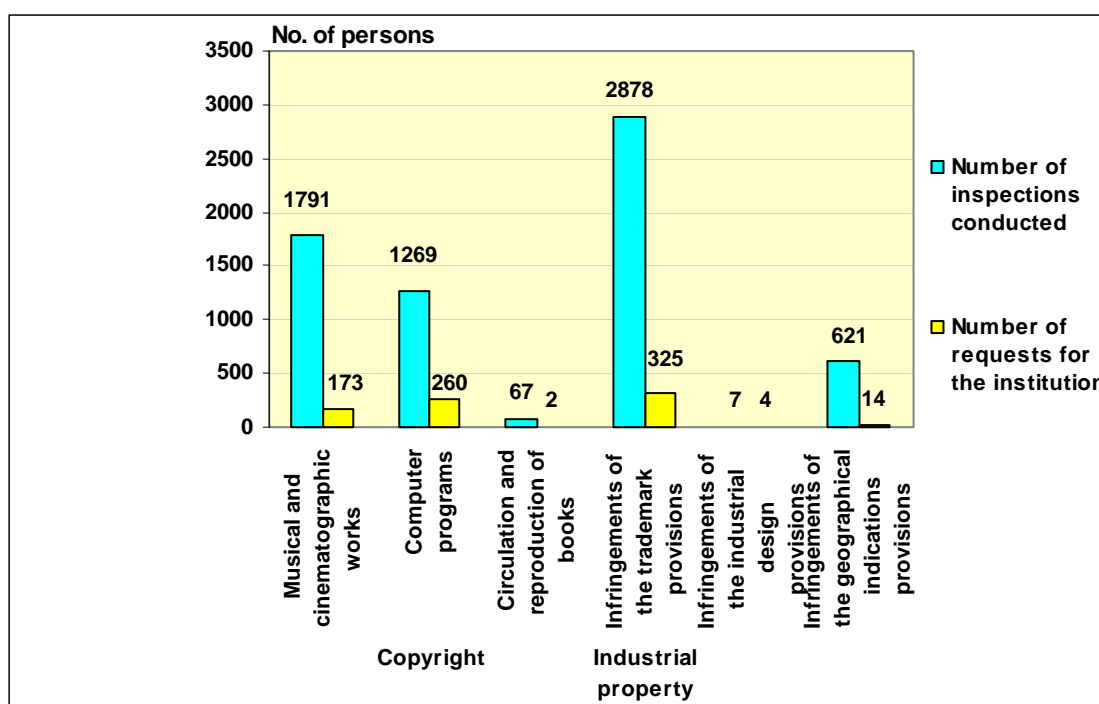


Table 4.6.

INDICES – STATE INSPECTORATE

	<u>2005.</u> 2004.	<u>2006.</u> 2005.	<u>2007.</u> 2006.	<u>2008.</u> 2007.
Infringement of the copyright provisions	133	176	338	296
Infringement of the industrial property provisions	227	76	62	173
Inspections conducted	221	80	86	215
Requests for the institution of the misdemeanour procedure	83	307	128	117

Table 4.7.
Inspection Relating to the Protection of Copyright in Computer Programs -
STATE INSPECTORATE

Year	Number of inspections	Motions to indict as filed in accordance with CRRA		Number of computers as inspected	Number of computers in which a computer program has been installed without the author's authorization	Illegally installed computer programs as found	
		Number	%			Number of computer programs	Value in €
2001.	24	13	56,52	152	101	231	111.111,11
2002.	229	88	38,42	1 000	365	539	226.666,66
2003.	143	63	44,05	500	227	298	166.666,66
2004.	120	28	23,33	298	43	75	31.527,00
2005.	154	44	28,57	337	74	162	67.500,00
2006.	216	89	41,2	938	331	565	274.652,00
2007.	716	155	21,64	2.120	416	653	317.430,00
2008.	1 269	260	20,48	1 950	510	925	not available

VALUE OF THE SEIZED ILLEGALLY INSTALLED COMPUTER PROGRAMS, EXPRESSED IN EUROS

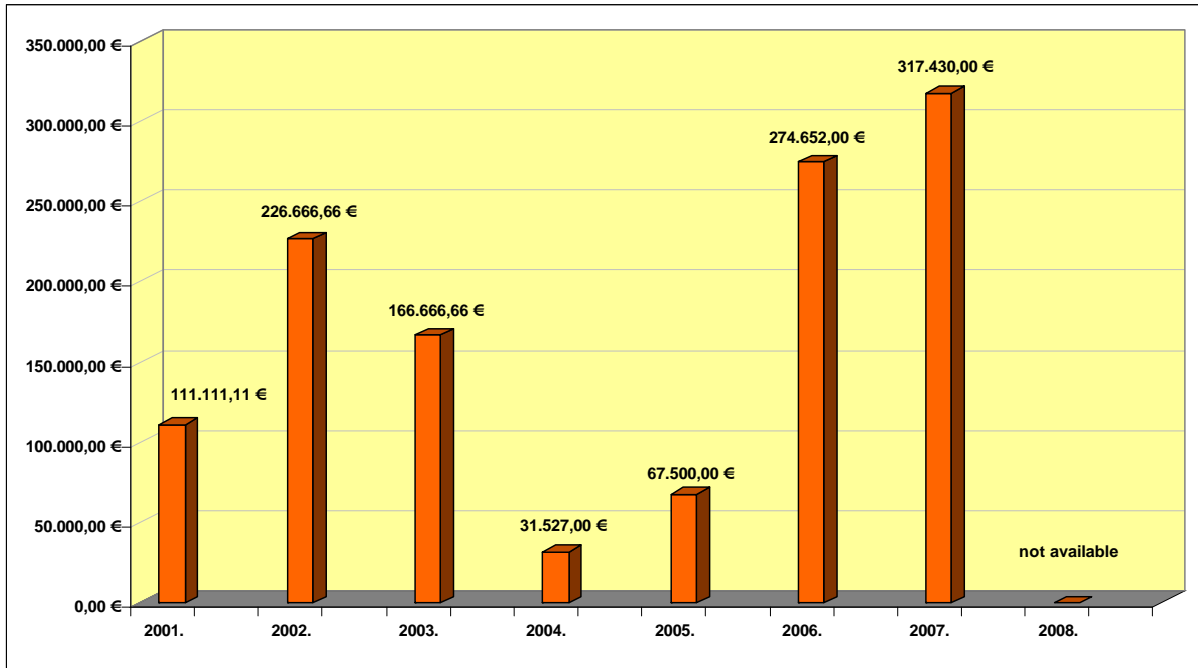


Table 4.8.

Inspections Relating to the Circulation of Musical and Cinematographic Works Recorded on Audio and Video Carriers Without the Authorization of the Author (pirated copies) - STATE INSPECTORATE

Year	Number of inspections in which misdemeanour has been established and motion to indict filed in accordance with CRRA	Audio and video carriers as temporarily seized	
		Number of pieces	Value in €
2001.	7	514	2.388,75
2002.	42	6.672	29.374,16
2003.	43	6.689	37.797,92
2004.	13	630	4.595,13
2005.	23	2.469	10.954,44
2006.	61	1.708	9.488,88
2007.	228	3.565	15.020,83
2008.	173	2.969	12.865,63

VALUE OF THE SEIZED AUDIO AND VIDEO CARRIERS, EXPRESSED IN EUROS

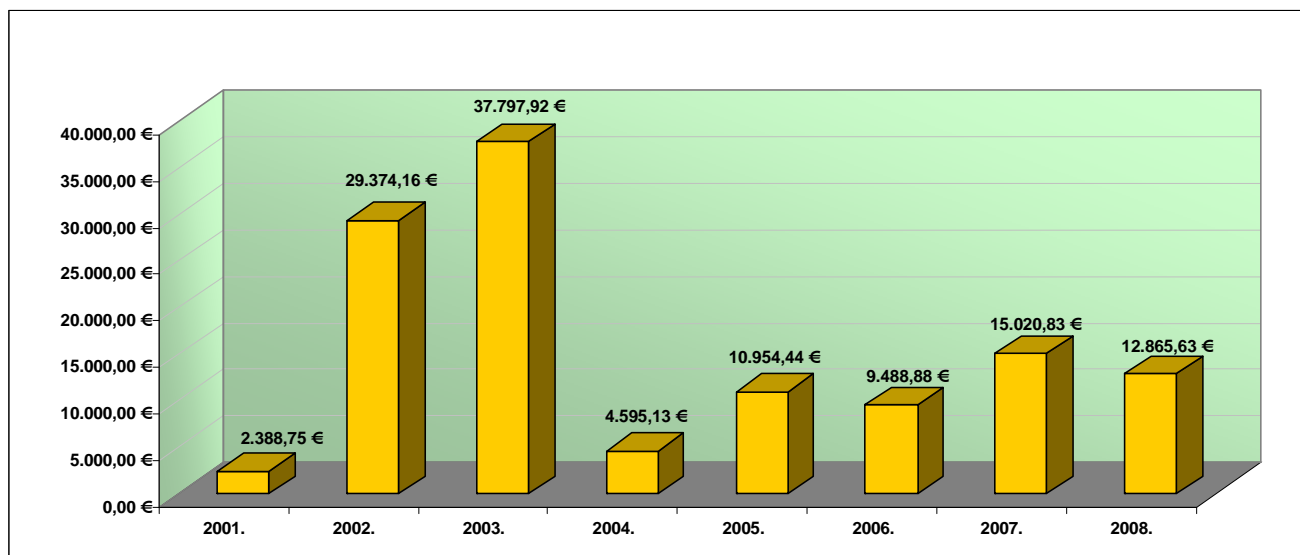


Table 4.9.

Inspection Relating to the Circulation and Reproduction of Books Without the Authorization of the Author and Publisher - STATE INSPECTORATE

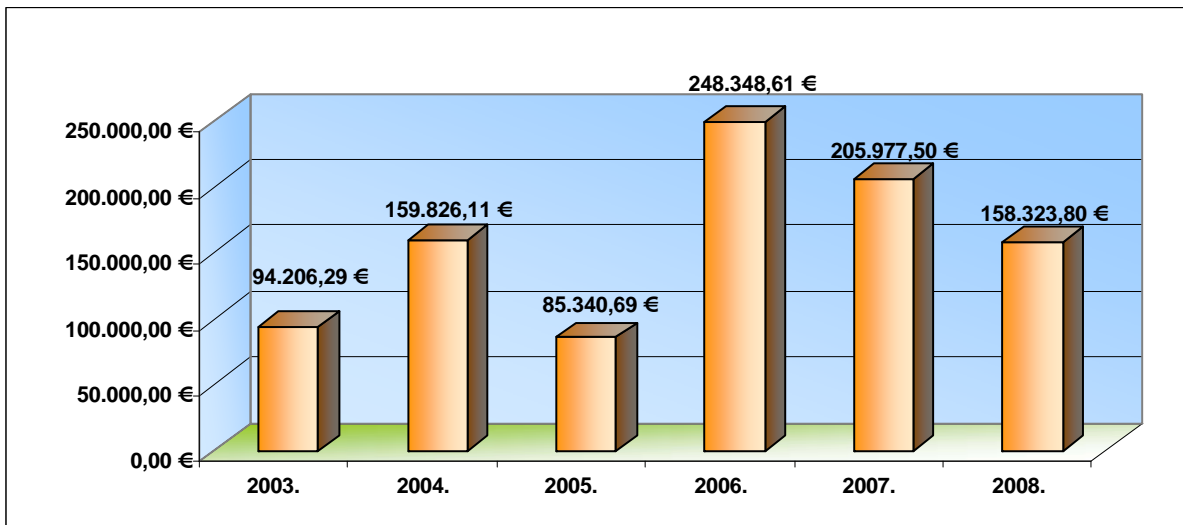
Year	Number of inspections	Motions to indict as filed in accordance with CRRRA	Provisionally seized goods - books	
			Number of pieces	Value in €
2006.	35	7	10	132
2007.	77	3	1	10
2008.	67	2	2	15

Table 4.10.

Inspection Relating to the Circulation of Products Designated by a Protected Sign – a Trademark, Without the Authorization of the Trademark Holder (Counterfeits) - STATE INSPECTORATE

Year	Number of inspections	Motions to indict filed in accordance with TA		Provisionally seized goods	
		Number	%	Number of pieces	Value in €
2003.	493	59	11,96	-	94.206,29
2004.	1.877	158	8,41	-	159.826,11
2005.	4.276	102	2,38	-	85.340,69
2006.	2.486	329	13,23	47.643	248.348,61
2007.	2.020	277	13,71	18.001	205.977,50
2008.	2.878	325	11,29	42.704	158.323,80

VALUE OF THE GOODS SEIZED FOR INFRINGING THE TRADEMARK PROVISIONS, AS EXPRESSED IN EUROS



PROPORTION OF THE PARTICULAR TYPES OF GOODS SEIZED IN 2007 - 2008

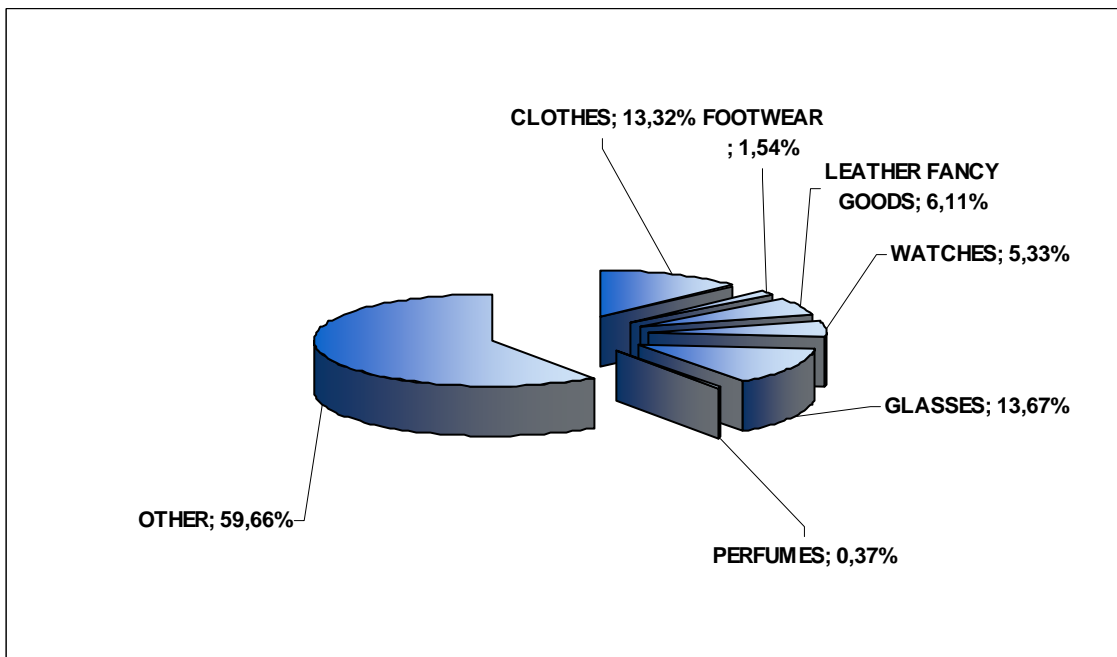


Table 4.11.
Types of Temporarily Seized Goods and the Number of Pieces, 2007 - 2008
- STATE INSPECTORATE

TYPE OF SEIZED GOODS	QUANTITY			
	2007.		2008.	
	Pieces	%	Pieces	%
CLOTHES				
Sportswear	656	3,64	1.699	3,97
Other	1.192	6,62	3.157	7,39
Accessories (caps, scarves)	1.070	5,94	838	1,96
FOOTWEAR				
Sports footwear	446	2,48	655	1,53
Other	72	0,4	3	
LEATHER FANCY GOODS	5.820	32,33	2.611	6,11
WATCHES	1.627	9,04	2.277	5,33
GLASSES	5.323	29,57	5.838	13,66
PERFUMES	1.424	7,91	156	0,36
SOUVENIRS	0	0	0	0
OTHER (earrings, necklaces, party games, car screens car flags, mascaras, ice- cream, flags, bracelets, toners)	371	2,06	25.484	59,65
TOTAL	18.001	100,00	42.718	100,00

Table 4.12. Inspection Relating to the Circulation of Products Made According to a Protected Invention

Year	Number of inspections	Motions to indict filed in accordance with PA	Provisionally seized goods	
			Number of pieces	Value in €
2006	0	0	0	0
2007	1	0	0	0
2008	1	0	0	0

Table 4.13. Inspections Relating to the Circulation of Products in Connection with the Protection of Industrial Designs

Year	Number of inspections	Misdemeanours established in accordance with IDA	Provisionally seized goods	
			Number of pieces	Value in €
2002	8	0		0
2003	4	1	18	135,41
2004	9	4	1685	12.659,08
2005	4	0	0	0
2006	540	18	364	2.527,77
2007	3	0	0	0
2008	7	4	282	1.905,40

Table 4.14. Inspection Relating to the Circulation of Products in Connection with the Protection of Geographical Indications and Designations of Origin

Year	Number of inspections	Misdemeanours established in accordance with FA	Provisionally seized goods	
			Number of pieces	Value in €
2006	232	15	0	0
2007	0	0	0	0
2008	621	14	-	1.380,26

5. MINISTRY OF THE INTERIOR - DATA ON THE NUMBER OF CRIMINAL OFFENCES

Table 5.1.

STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY - MINISTRY OF INTERIOR, 1998 - 2008

Criminal offences	Total	Number of criminal offences reported against known committers
Infringements of the rights of authors or of the rights of performers, Article 229 CC	10	10
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	2751	2751
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	98	98
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	6	6
Infringement of the industrial property rights and unauthorized use of somebody else's firm, Article 285 CC	493	493

THE NUMBER OF REPORTS RELATING TO THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS, 1998 – 2008 - POLICE

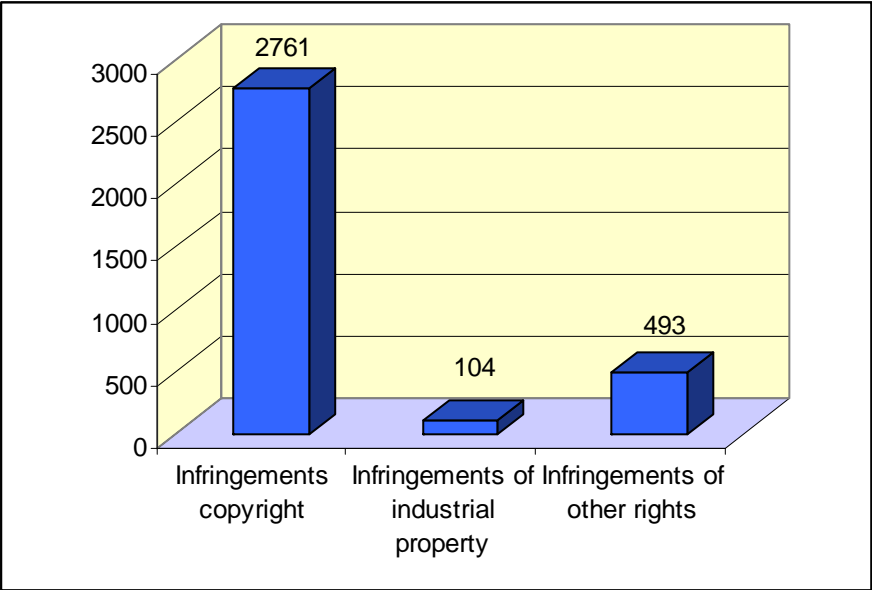
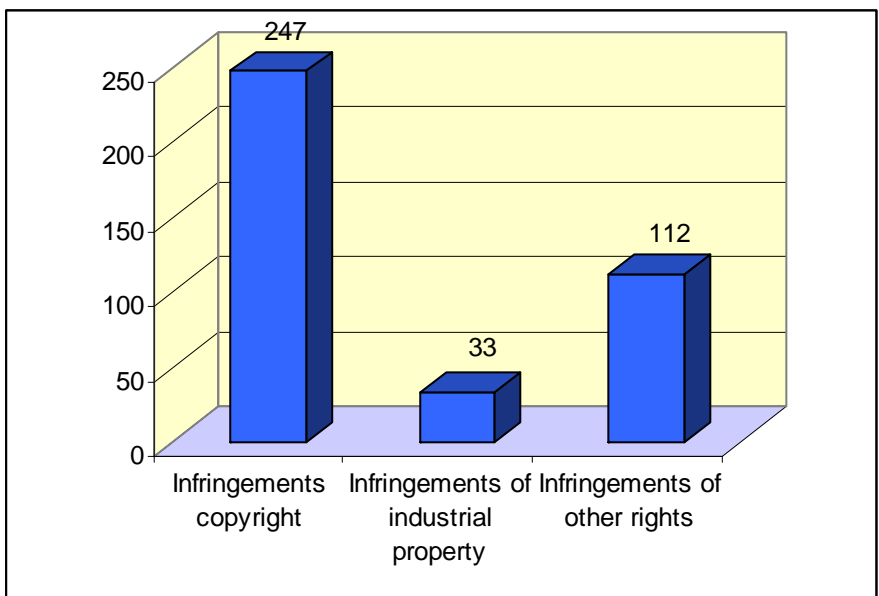


Table 5.2.**STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY FOR 2008. - MINISTRY OF INTERIOR**

Criminal offences	Total	Number of criminal offences reported against known committers
Infringements of the rights of authors or of the rights of performers, Article 229 CC	-	-
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	247	247
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	31	31
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	2	2
Infringement of the industrial property rights and unauthorized use of somebody else's firm, Article 285 CC	112	112

THE NUMBER OF REPORTS RELATING TO THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS, 2008 - POLICE



6. STATE ATTORNEY'S OFFICE - DATA ON DECISIONS ON CRIMINAL OFFENCE REPORTS RELATING TO CRIMINAL OFFENCES COMPRISING THE INFRINGEMENT OF INTELLECTUAL PROPERTY

For the purposes of the presentation of data relating to the State Attorney's the Tables have been drafted such as follows:

- the total number and types of decisions, issued by state attorney's offices, on criminal offences comprising the infringement of intellectual property
- the types of decisions issued against a criminal offence comprising the infringement of copyright (pirated copies) - (Article 230, Criminal Code)
- the types of decisions issued against a criminal offence comprising the infringement of industrial property rights (Article 285, Criminal Code)
- the types of decisions issued against a criminal offence comprising the infringement of the rights conferred by an invention applied for or protected (Article 232, Criminal Code)

The following data are graphically represented:

- the number of decisions issued by state attorney's offices
- the types of decisions issued by state attorney's offices
- the trends in criminal offence reports relating to the infringements of copyright
- the trends in rejections of criminal offence reports relating to the infringements of copyright
- the trends in indictments concerning the infringement of copyright, as submitted (indictments and motions to indict)
- the trends in criminal offence reports relating to the infringements of industrial property rights
- the trends in rejections of criminal offence reports relating to the infringements of industrial property rights
- the trends in indictments concerning the infringements of industrial property rights, as submitted (indictments and motions to indict)

- the trends in criminal offence reports relating to the infringement of the rights conferred by an invention applied for or protected

Table 6.1.

**Decisions Issued by state attorney's offices on Criminal Offence Reports Relating to Criminal Offences Comprising the Infringement of Intellectual Property, 1998 – 2008-
STATE ATTORNEY'S OFFICE**

	Reports total	Known comitters				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	4 344	4 061	627	8	3 568	165

Table 6.2.

Reported Adult Persons by the Type of Decision on a Criminal Offence Comprising the Infringement of the Rights of Authors or of the Rights of Performers, Art. 229 CC – STATE ATTORNEY'S OFFICE

	Reported total	Known comitters				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	47	43	22	3	18	4
1998	5	5	3	-	2	-
1999	1	1	-	1	-	-
2000	5	4	1	-	3	1
2001	4	4	1	1	2	-
2002	3	3	1	1	1	-
2003	4	3	2	-	1	1
2004	6	4	4	-	-	2
2005	3	3	3	-	-	-
2006	6	6	3	-	3	-
2007	8	8	4	-	4	-
2008	2	2	-	-	2	-

Table 6.3.

Reported Adult Persons by the Type of Decision on a Criminal Offence Comprising Unauthorized Use of an author’s Work or of a Performer’s Performance, Art. 230 CC – STATE ATTORNEY’S OFFICE

	Reported total	Known committers			Unknown committers	
		Total	Report rejected	Investigation suspended		Indictment or a motion to indict filed
TOTAL	3 542	3 417	464	3	2 965	125
1998	205	205	16	2	187	-
1999	181	181	11	1	169	-
2000	309	309	23	-	286	-
2001	390	387	23	-	364	3
2002	410	381	84	-	297	29
2003	435	403	49	-	354	32
2004	404	394	52	-	342	10
2005	324	317	45	-	272	7
2006	354	327	55	-	272	27
2007	266	249	52	-	197	17
2008	264	264	54	-	225	-

Table 6.4.**Reported Adult Persons by the Type of Decision on a Criminal Offence Comprising Infringement of the Rights of Producers of Phonograms or Videograms or the Rights Related to Radio Broadcastings, Art. 231 CC - STATE ATTORNEY'S OFFICE**

	Reported total	Known committers				Unknown committers
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	96	90	12	-	78	20
1998	6	6	1	-	5	-
1999	4	4	1	-	3	-
2000	4	4	1	-	3	-
2001	5	5	-	-	5	-
2002	9	5	-	-	5	4
2003	5	5	1	-	4	-
2004	16	14	3	-	11	2
2005	3	3	-	-	3	-
2006	18	18	3	-	15	-
2007	12	12	1	-	11	-
2008	14	14	1	-	13	14

Table 6.5.

Reported Adult Persons by the Type of Decision on a Criminal Offence Comprising Infringement of the Right Conferred by an Invention Applied for or Protected, Art. 232 CC - STATE ATTORNEY'S OFFICE

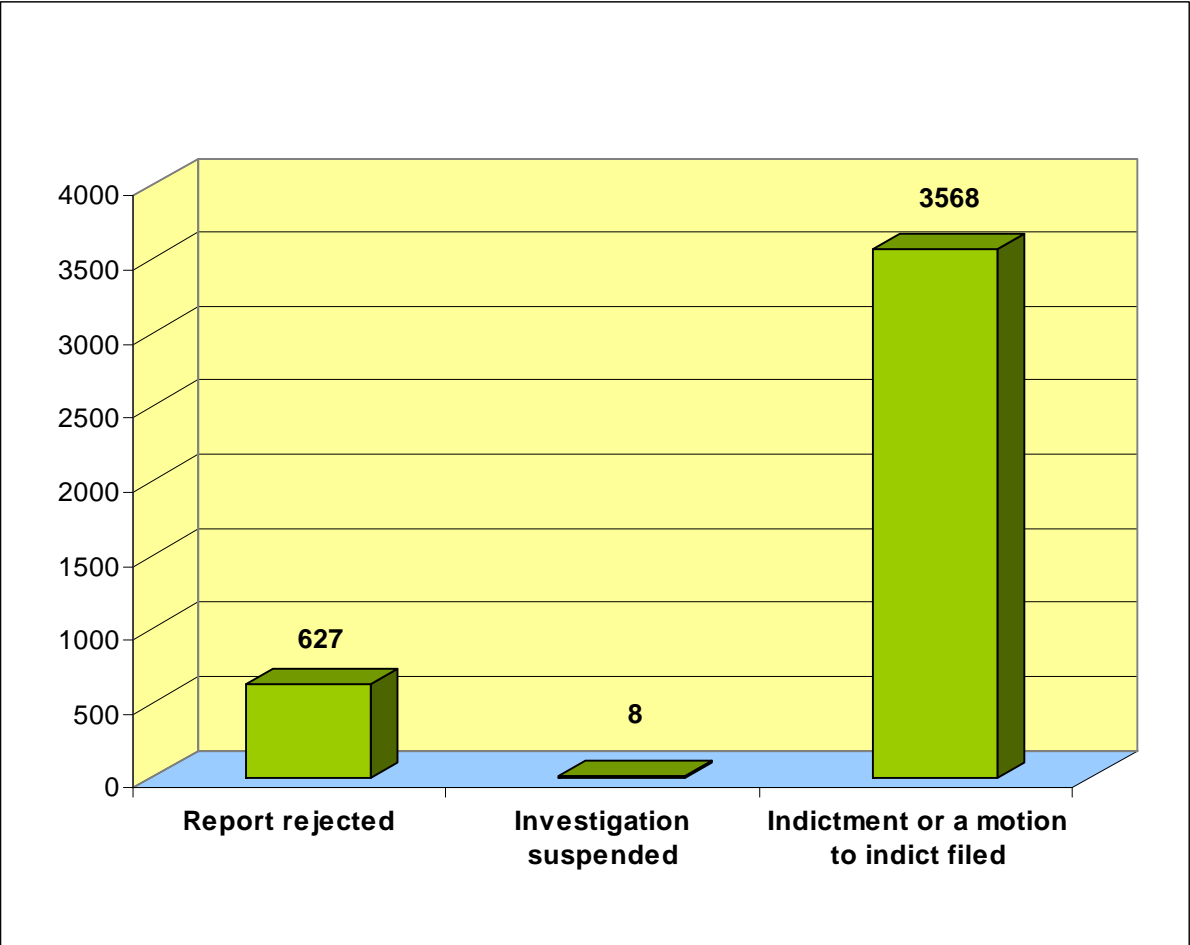
	Reported total	Known committers				Unknown committers
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	28	28	23	-	5	-
1998	-	-	-	-	-	-
1999	-	-	-	-	-	-
2000	5	5	4	-	1	-
2001	1	1	1	-	-	-
2002	-	-	-	-	-	-
2003	1	1	1	-	-	-
2004	11	11	11	-	-	-
2005	1	1	1	-	-	-
2006	5	5	5	-	-	-
2007	4	4	-	-	4	-
2008	-	-	-	-	-	-

Table 6.6.

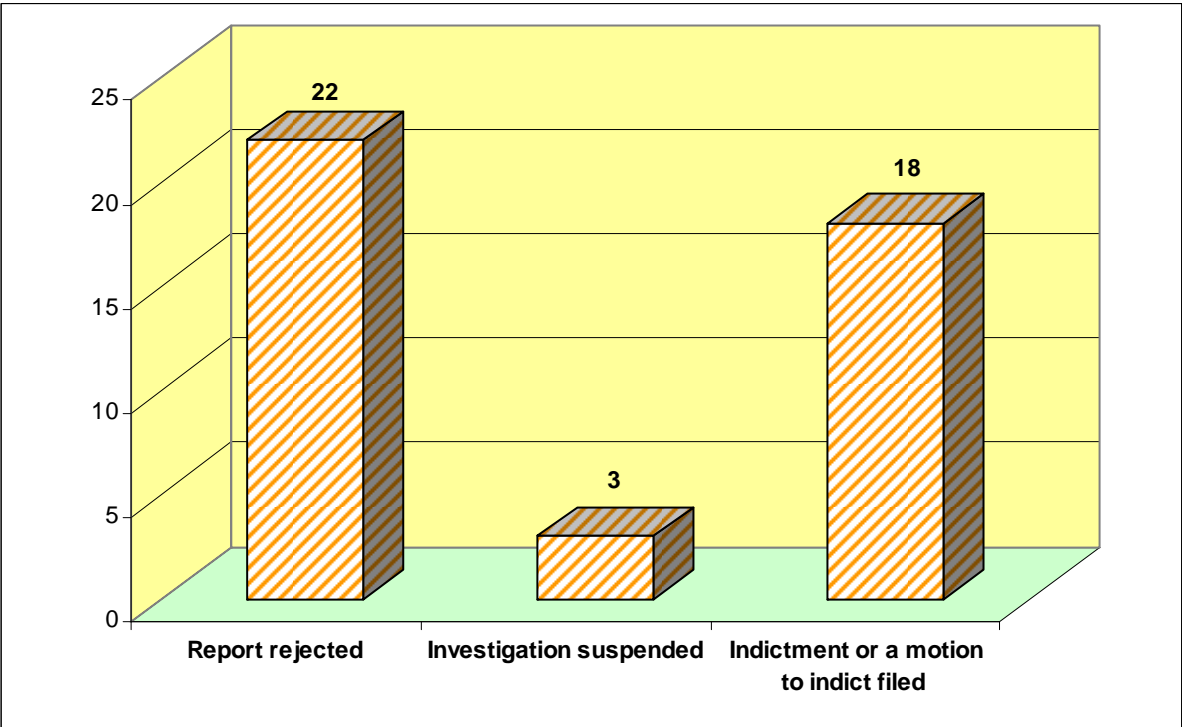
Reported Adult Persons by the Type of Decision on a Criminal Offense Comprising Infringement of the Industrial Property Rights and an Unauthorized Use of Somebody Else's Firm, Art. 285 CC - STATE ATTORNEY'S OFFICE

	Reported total	Known committers				Unknown committers
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	631	615	106	2	502	16
1998	28	27	7	-	20	1
1999	44	42	2	-	40	2
2000	16	16	4	-	12	-
2001	18	16	3	2	11	2
2002	9	9	3	-	6	-
2003	20	18	7	-	11	2
2004	35	35	13	-	22	-
2005	71	69	7	-	62	2
2006	133	131	16	-	115	2
2007	122	117	16	-	101	5
2008	135	135	28	-	102	-

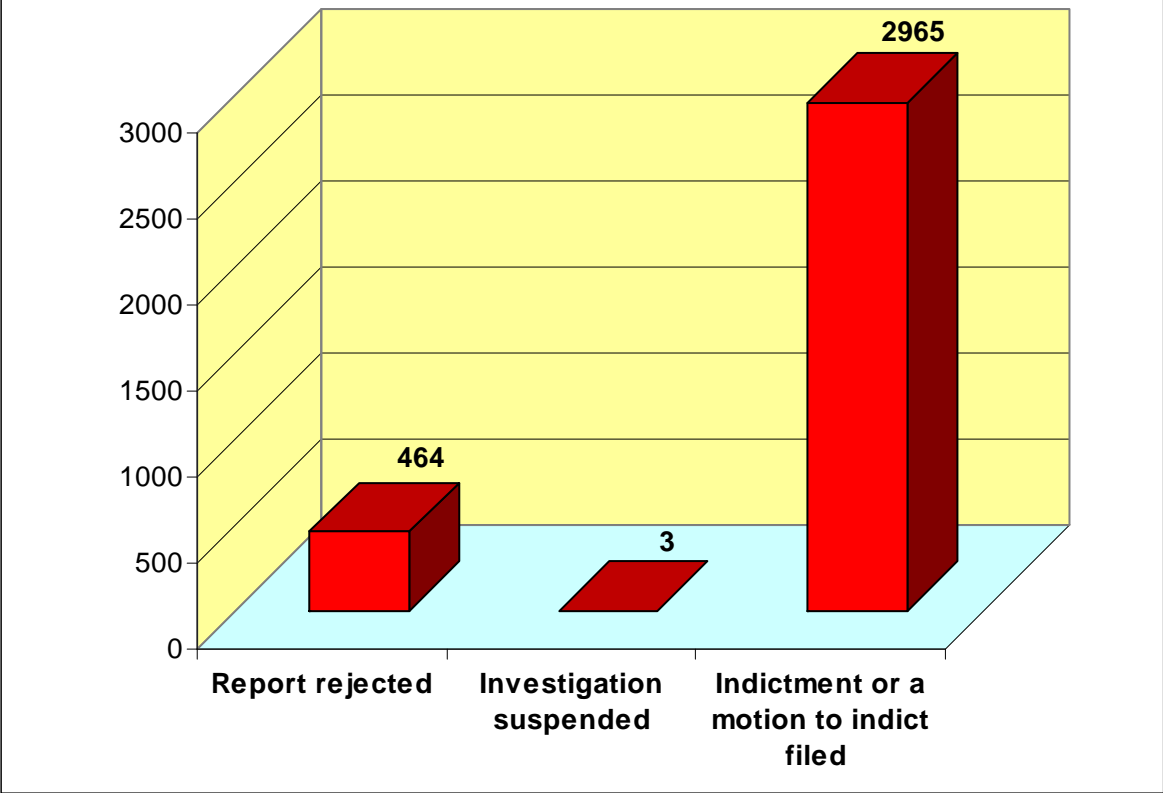
THE TYPES OF DECISIONS ISSUED FROM 1998 TO 2008 - STATE ATTORNEY'S OFFICE



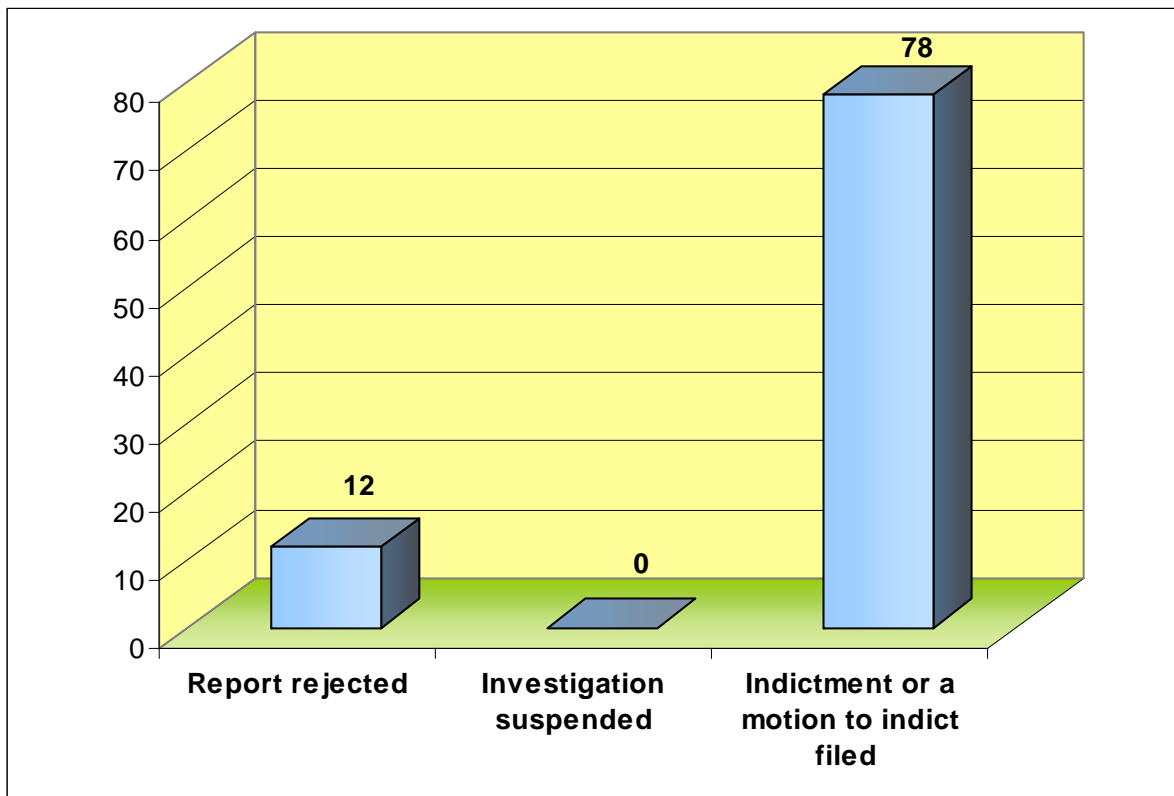
Reported Adult Persons by the Type of Decision on a Criminal Offense Comprising the Infringement of the Rights of Authors or of the Rights of Performers, Art. 229 CC – STATE ATTORNEY’S OFFICE



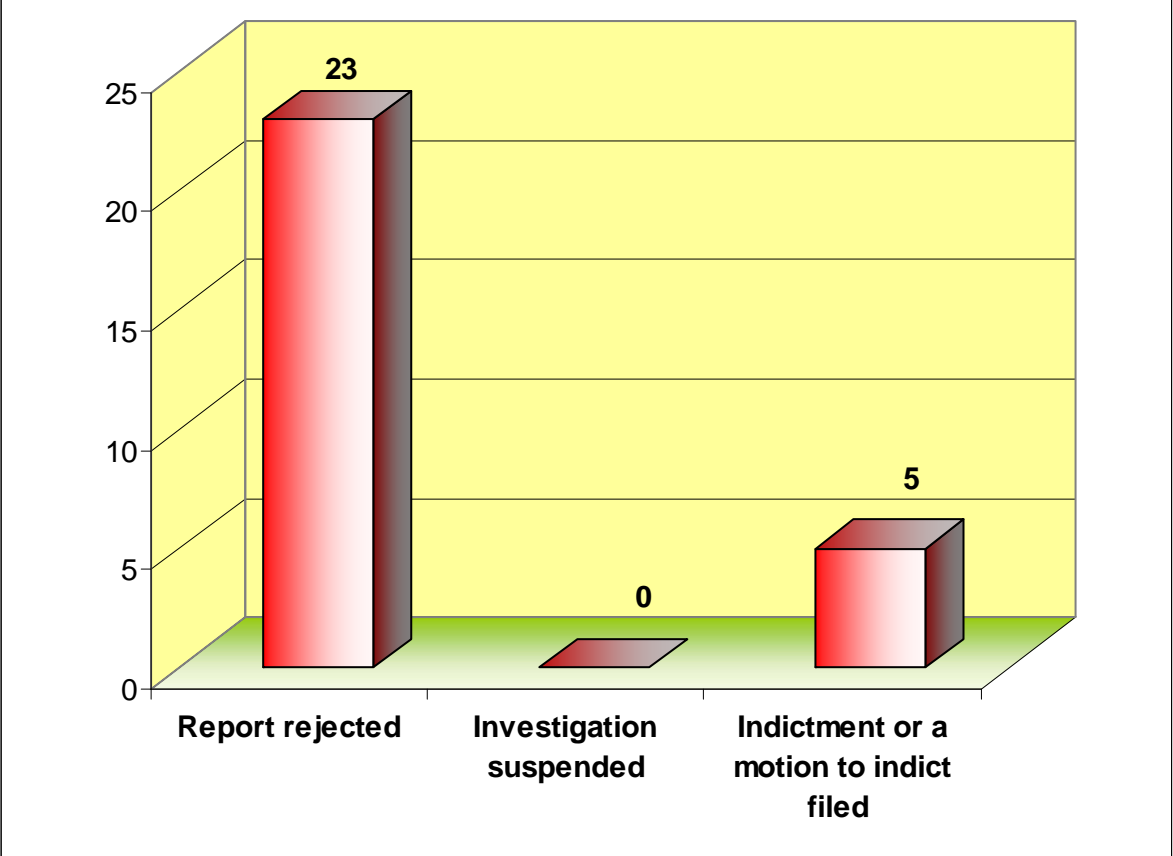
**Reported Adult Persons by the Type of Decision on a Criminal Offense
Comprising Unauthorized Use of an author’s Work or of a Performer’s
Performance, Art. 230 CC – STATE ATTORNEY’S OFFICE**



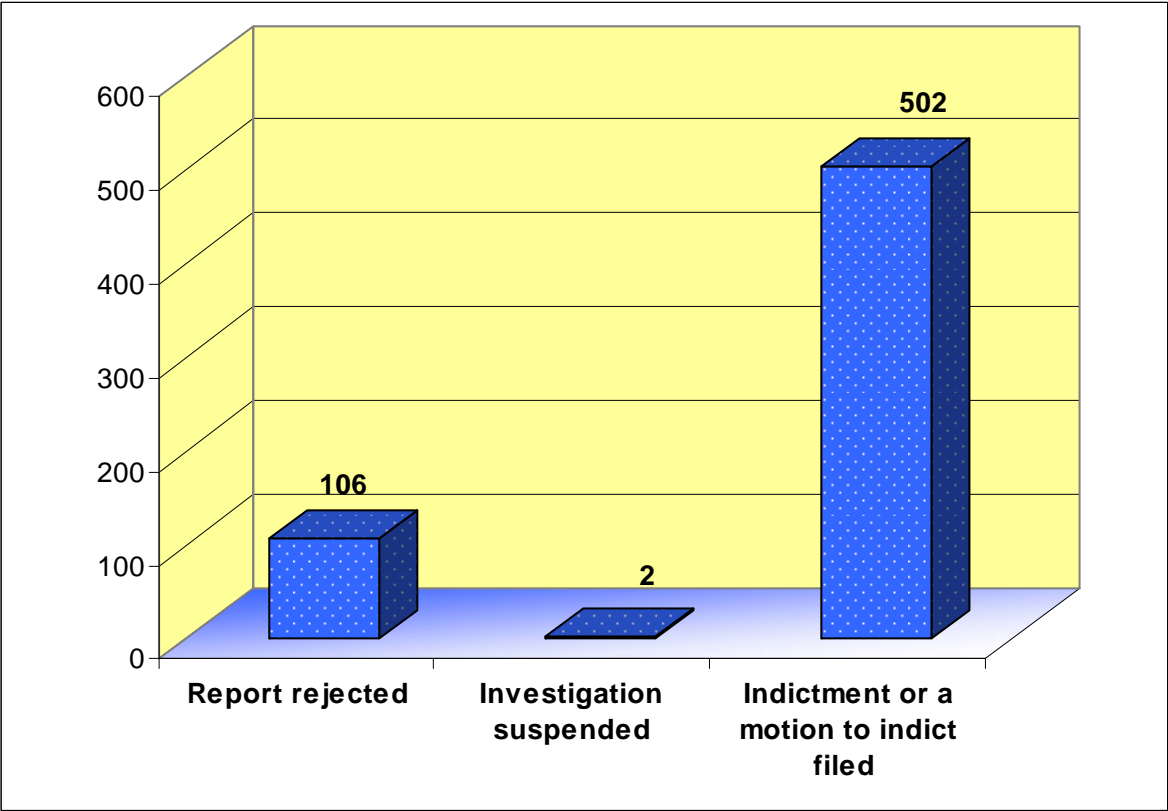
Reported Adult Persons by the Type of Decision on a Criminal Offence Comprising Infringement of the Rights of Producers of Phonograms or Videograms or the Rights Related to Radio Broadcastings, Art. 231 CC - STATE ATTORNEY'S OFFICE



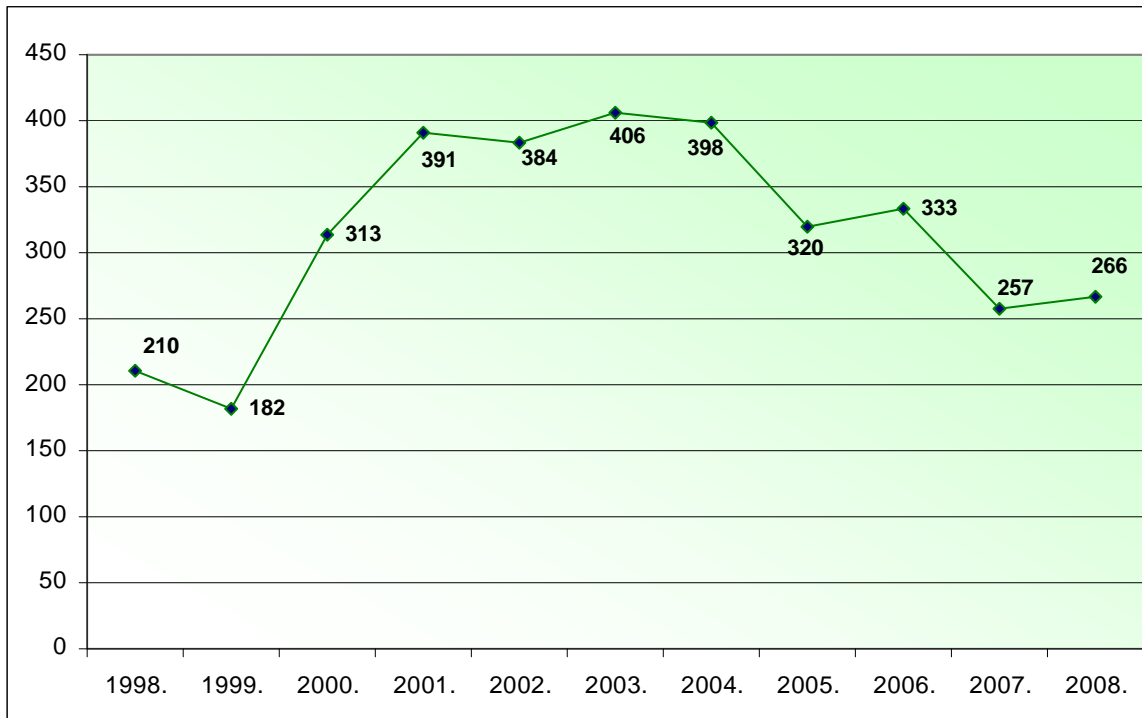
**Reported Adult Persons by the Type of Decision on a Criminal Offence
Comprising Infringement of the Right Conferred by an Invention Applied for or
Protected, Art. 232 CC - STATE ATTORNEY'S OFFICE**



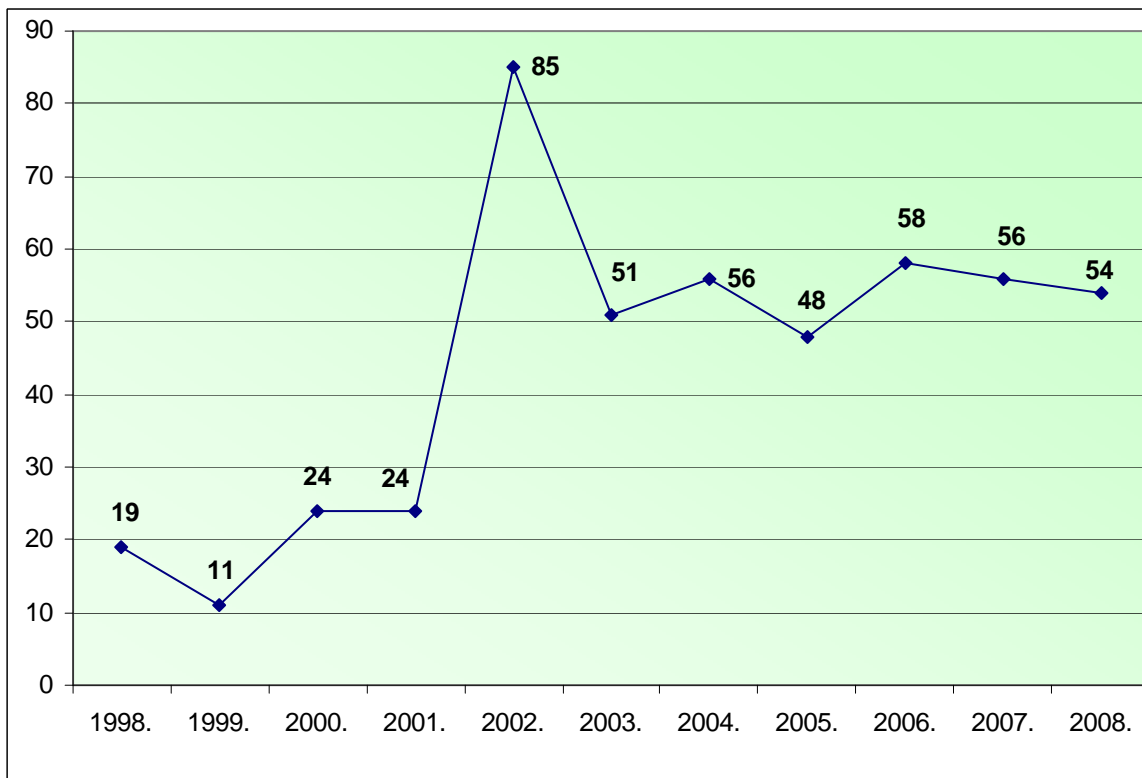
**Reported Adult Persons by the Type of Decision on a Criminal Offence
Comprising Infringement of the Industrial Property Rights and an Unauthorized
Use of Somebody Else’s Firm, Art. 285 CC - STATE ATTORNEY’S
OFFICE**



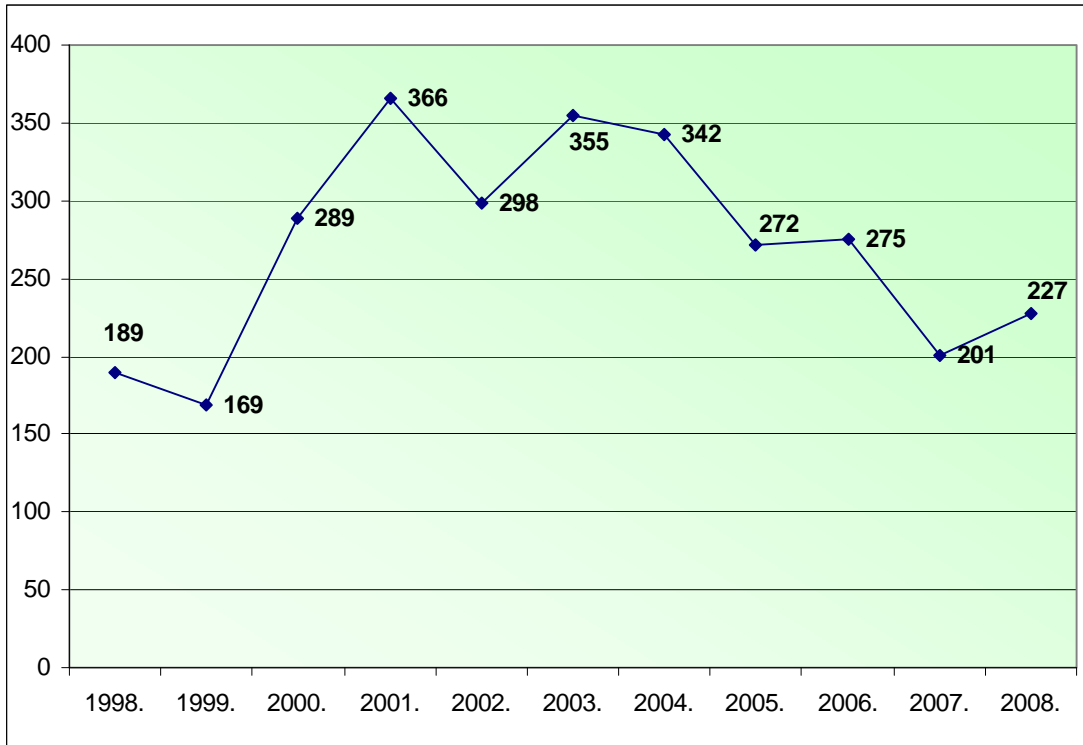
STATE ATTORNEY'S OFFICE - TRENDS IN CRIMINAL OFFENCE REPORTS RELATING TO COPYRIGHT



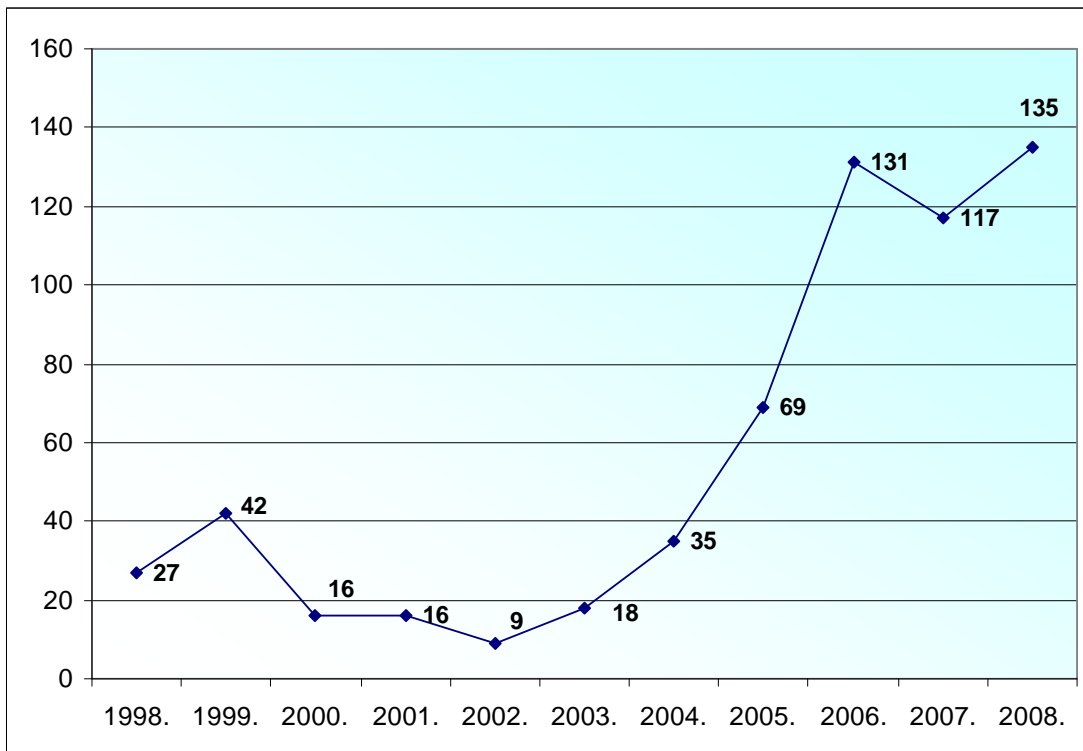
STATE ATTORNEY'S OFFICE - TRENDS IN REJECTIONS OF CRIMINAL OFFENCE REPORTS RELATING TO COPYRIGHT



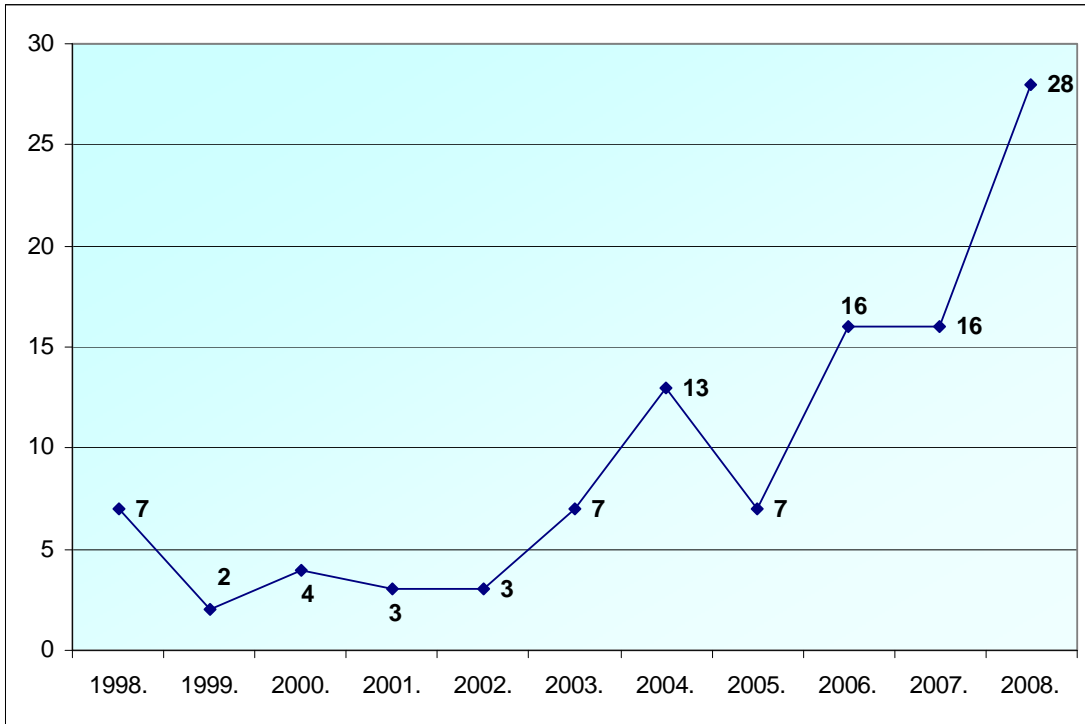
STATE ATTORNEY'S OFFICE - TRENDS IN FILING INDICTMENTS FOR THE INFRINGEMENT OF COPYRIGHT



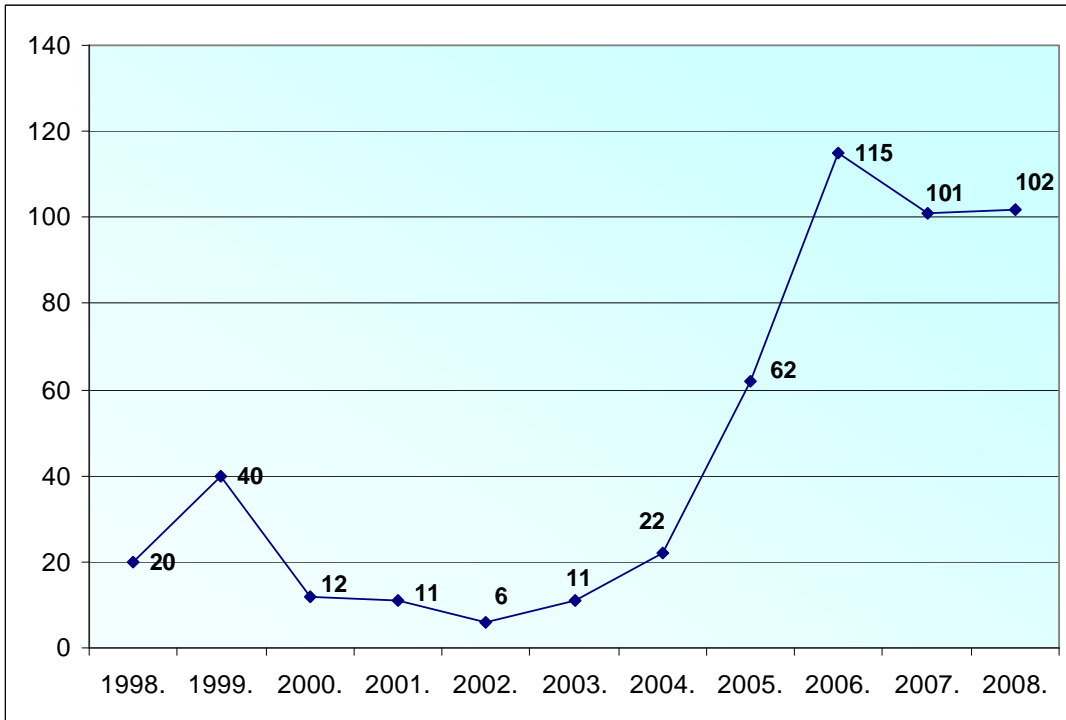
STATE ATTORNEY'S OFFICE - TRENDS IN CRIMINAL OFFENCE REPORTS RELATING TO THE INFRINGEMENTS OF INDUSTRIAL PROPERTY RIGHTS



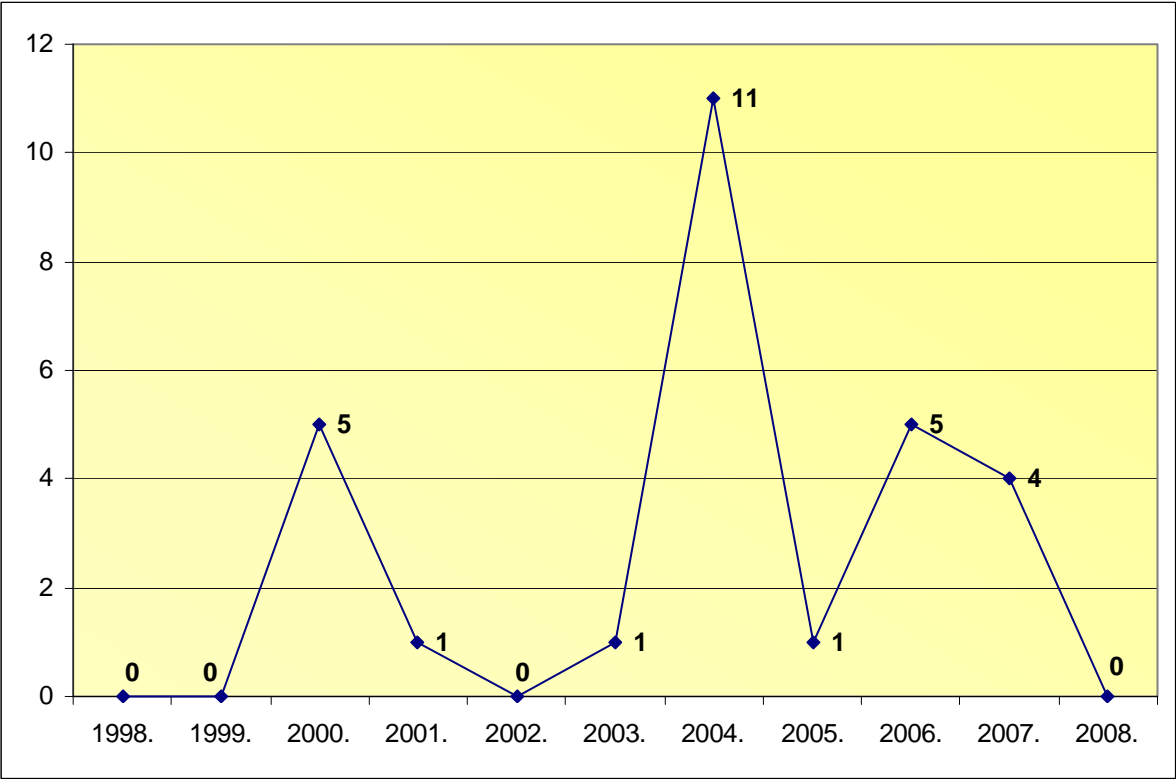
STATE ATTORNEY'S OFFICE - TRENDS IN REJECTIONS OF CRIMINAL OFFENCE REPORTS RELATING TO THE INFRINGEMENTS OF INDUSTRIAL PROPERTY RIGHTS



STATE ATTORNEY'S OFFICE - TRENDS IN FILING OF INDICTMENTS AGAINST THE INFRINGEMENTS OF INDUSTRIAL PROPERTY RIGHTS



STATE ATTORNEY'S OFFICE - TRENDS IN CRIMINAL OFFENCE REPORTS RELATING TO THE INFRINGEMENTS OF THE RIGHTS CONFERRED BY AN INVENTION APPLIED FOR OR PROTECTED



7. CRIMINAL COURTS

7.1. CRIMINAL DECISIONS AND SANCTIONS

As regards the course of the criminal procedure in its phase after the submission of an indictment, or a motion to indict, by the State Attorney's Office, a detailed representation is given of the types of decisions issued by the court, and that;

- the number of suspensions of the criminal procedure for each individual year
- the number of refusals
- the number of acquittals
- the number of convictions

The following data are graphically represented:

- the number of decisions issued by criminal courts on all the infringements of intellectual property rights (copyright, industrial property rights and other rights)
- the types of decisions issued by criminal courts on all the infringements of intellectual property rights (copyright, industrial property rights and other rights)
- the number of persons as accused in comparison to the number of persons as convicted for the infringements of copyright (pirated copies)
- the number of persons as accused in comparison to the number of persons as convicted for the infringements of industrial property rights
- the number of persons as accused in comparison to the number of persons as convicted for the infringements of the rights conferred by an invention applied for or protected

In a eleven-year observation period, covering the years from 1998 to 2008, 3109 persons were accused and 2498 were convicted for a criminal offence comprising unauthorized use of an author's work or of a performer's performance (Article 230 CC). The data indicate that the number of persons convicted for this criminal offence is rather large. The structure of the sanctions imposed for this criminal offence shows that the sanctions as most frequently imposed are unconditional fine, conditional

imprisonment, conditional fine, unconditional imprisonment and that other sanctions are rarely imposed.

From 1998 to 2008, 484 persons were accused and 397 were convicted for a criminal offence comprising infringement of the industrial property rights and unauthorized use of somebody else's firm (Article 285 CC).

32 persons were accused and 11 persons were convicted for a criminal offence comprising infringements of the rights of authors or the rights of performers (Article 229 CC) and for a criminal offence comprising infringement of the rights conferred by an invention applied for or protected (Article 232 CC).

78 persons were accused and 55 persons were convicted for a criminal offence comprising infringement of the rights of producers of phonograms or videograms and the rights related to radio broadcastings (Article 231 CC).

Table 7.1.
COURT DECISIONS ON CRIMINAL OFFENCES COMPRISING
THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS 1998 - 2008

Accused Total	Found guilty	Not found guilty			
		Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
4092	2961	325	206	209	2

COURT DECISIONS ON CRIMINAL OFFENCES COMPRISING
THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS 1998 - 2008

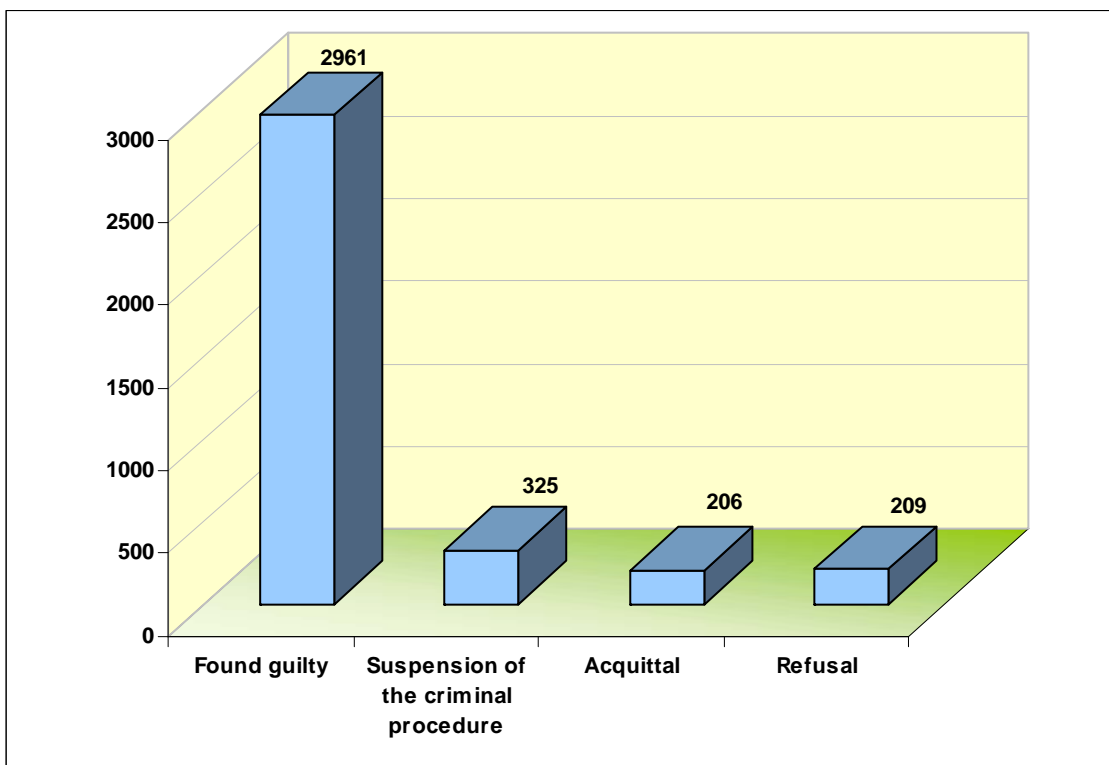
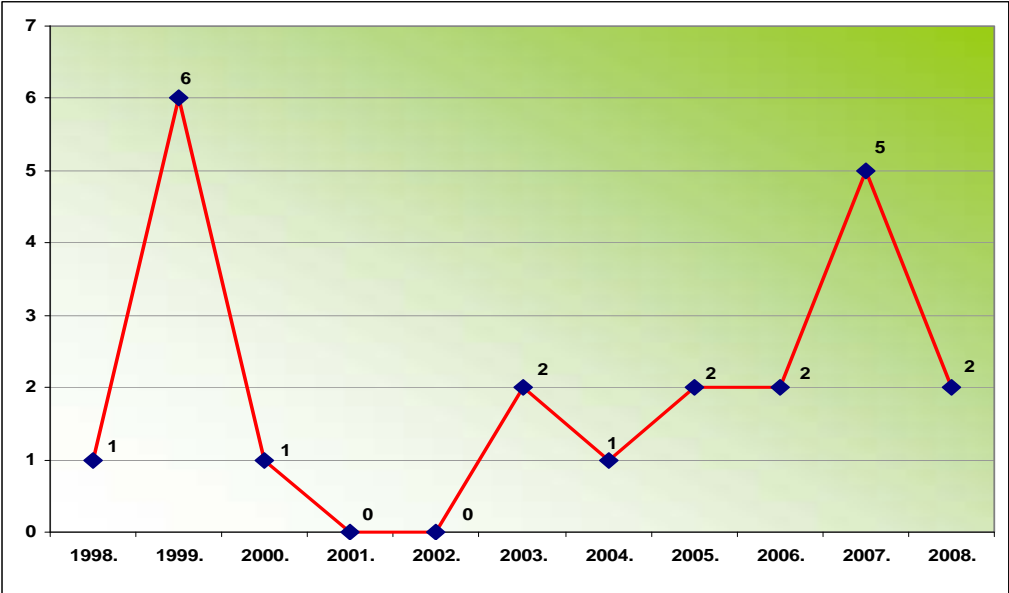


Table 7.2.**Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Rights of Authors or the Rights of Performers, Art. 229 CC - COURT DECISIONS**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	22	4	13	3	2	-
1998	1	-	-	1	-	-
1999	6	-	5	-	1	-
2000	1	-	1	-	-	-
2001	-	-	-	-	-	-
2002	-	-	-	-	-	-
2003	2	1	-	1	-	-
2004	1	-	1	-	-	-
2005	2	-	2	-	-	-
2006	2	1	-	-	1	-
2007	5	-	4	1	-	-
2008	2	2	-	-	-	-

COURT DECISIONS - Trend of Accused Adults on a Criminal Offence Comprising the Infringement of the Rights of Authors or the Rights of Performers, Art. 229 CC



Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Rights of Authors or the Rights of Performers, Art. 229 CC - COURT DECISIONS

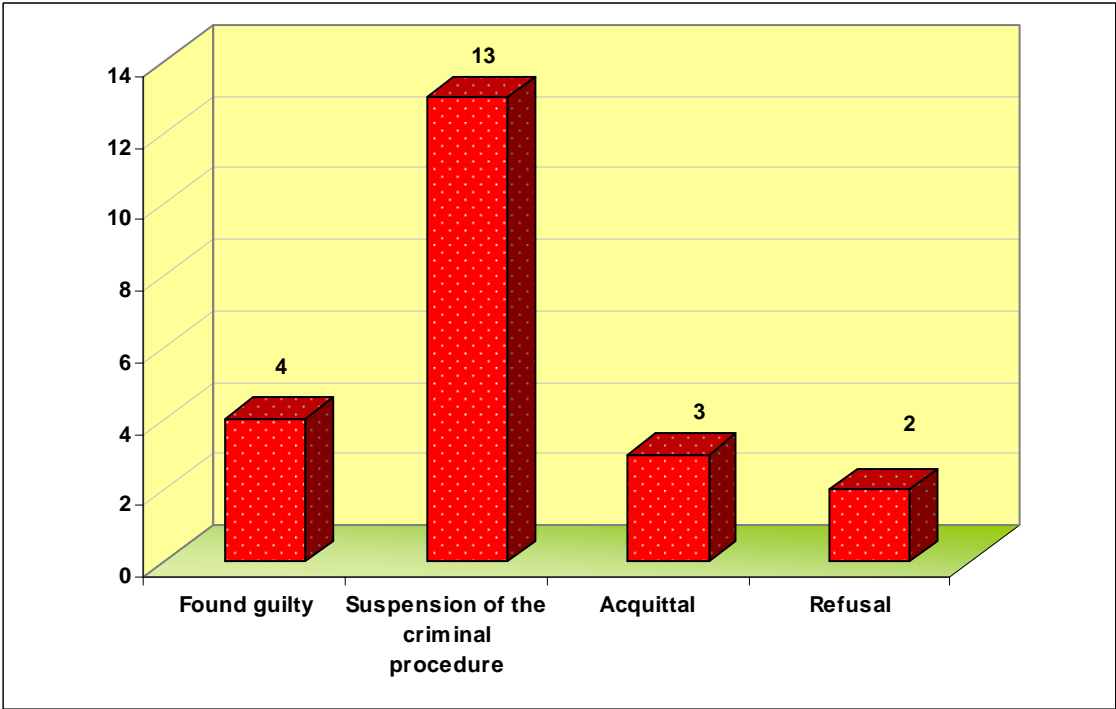
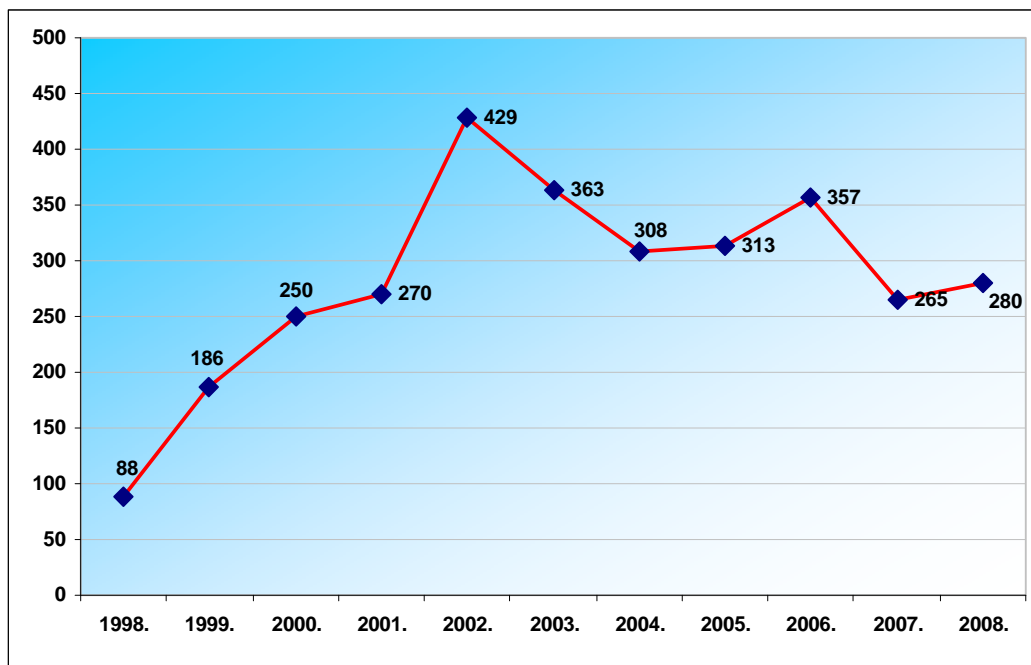


Table 7.3.

Accused Adults by the Type of Decision on a Criminal Offence Comprising Unauthorized Use of a Copyright Work or of a Performer's Performance, Art. 230 CC – COURT DECISIONS

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	3109	2498	261	172	176	2
1998	88	79	3	1	5	-
1999	186	160	8	10	7	1
2000	250	205	17	13	15	-
2001	270	224	31	7	7	1
2002	429	394	12	13	10	-
2003	363	310	27	14	12	-
2004	308	236	35	13	24	-
2005	313	222	25	27	39	-
2006	357	248	54	33	22	-
2007	265	194	29	22	20	-
2008	280	226	20	19	15	-

COURT DECISIONS - Trend of Accused Adults on a Criminal Offence Comprising Unauthorized Use of a Copyright Work or of a Performer's Performance, Art. 230



**Accused Adults by the Type of Decision on a Criminal Offence Comprising Unauthorized Use of a Copyright Work or of a Performer's Performance, Art. 230
CC – COURT DECISIONS**

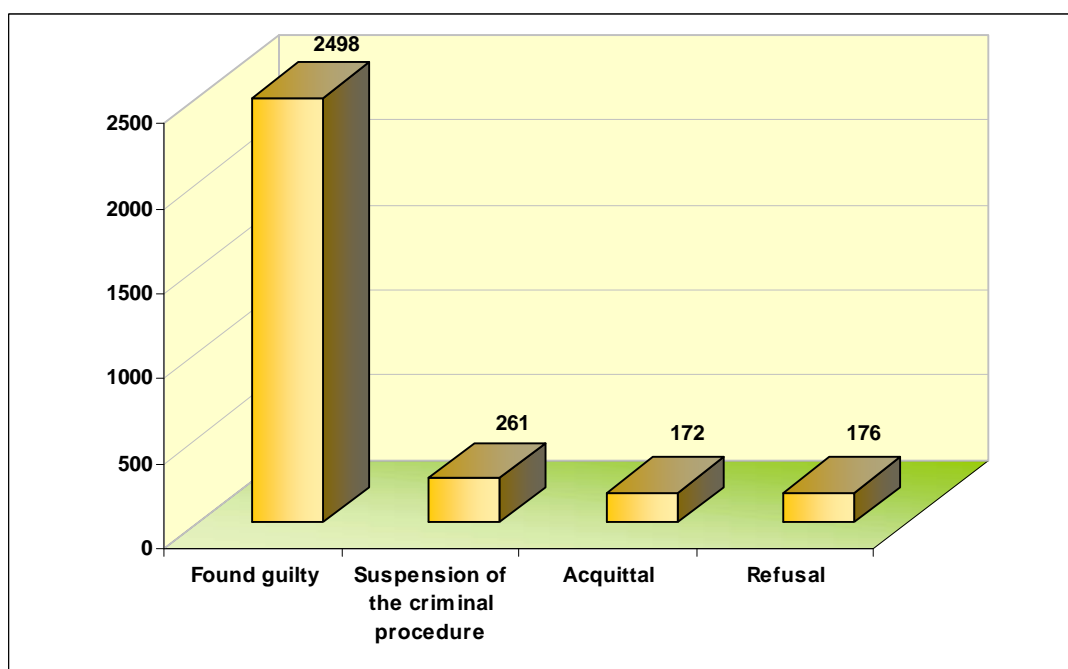
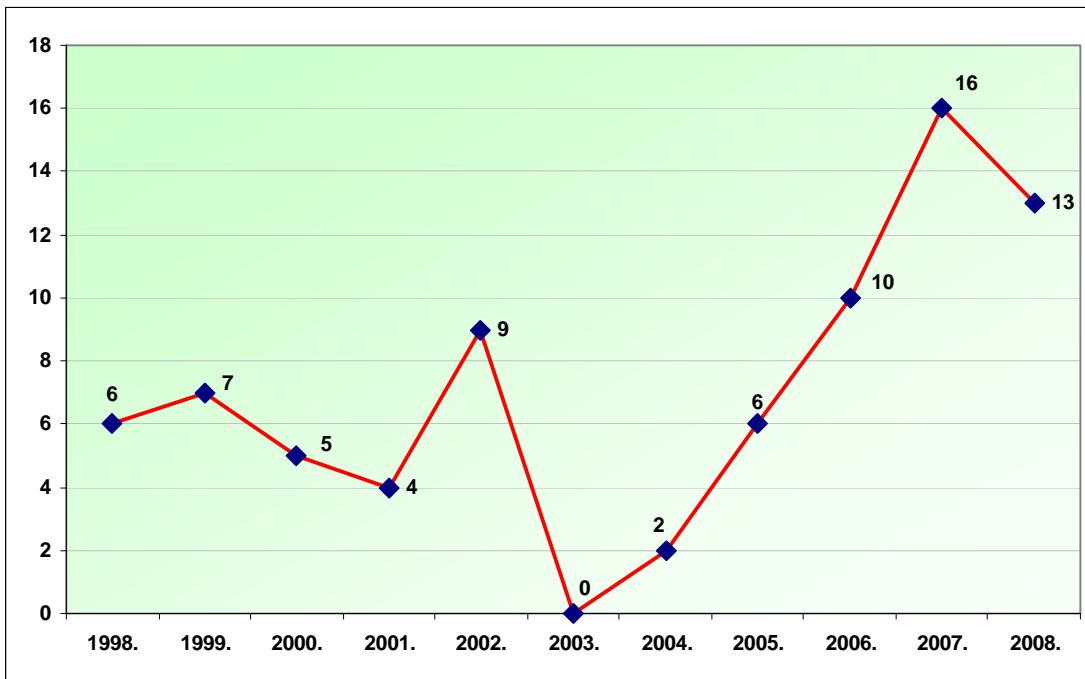


Table 7.4.**Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Rights of Producers of Phonograms or Videograms or the Rights Related to Radio Broadcastings, Art. 231 CC - COURT DECISIONS**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	78	55	16	2	5	-
1998	6	6	-	-	-	-
1999	7	2	5	-	-	-
2000	5	3	2	-	-	-
2001	4	2	-	2	-	-
2002	9	9	-	-	-	-
2003	-	-	-	-	-	-
2004	2	2	-	-	-	-
2005	6	2	4	-	-	-
2006	10	7	1	-	2	-
2007	16	14	2	-	-	-
2008	13	8	2	-	3	-

COURT DECISIONS - Trend of Accused Adults on a Criminal Offence Comprising the Infringement of the Rights of Producers of Phonograms or Videograms or the Rights Related to Radio Broadcastings, Art. 231 CC



Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Rights of Producers of Phonograms or Videograms or the Rights Related to Radio Broadcastings, Art. 231 CC - COURT DECISIONS

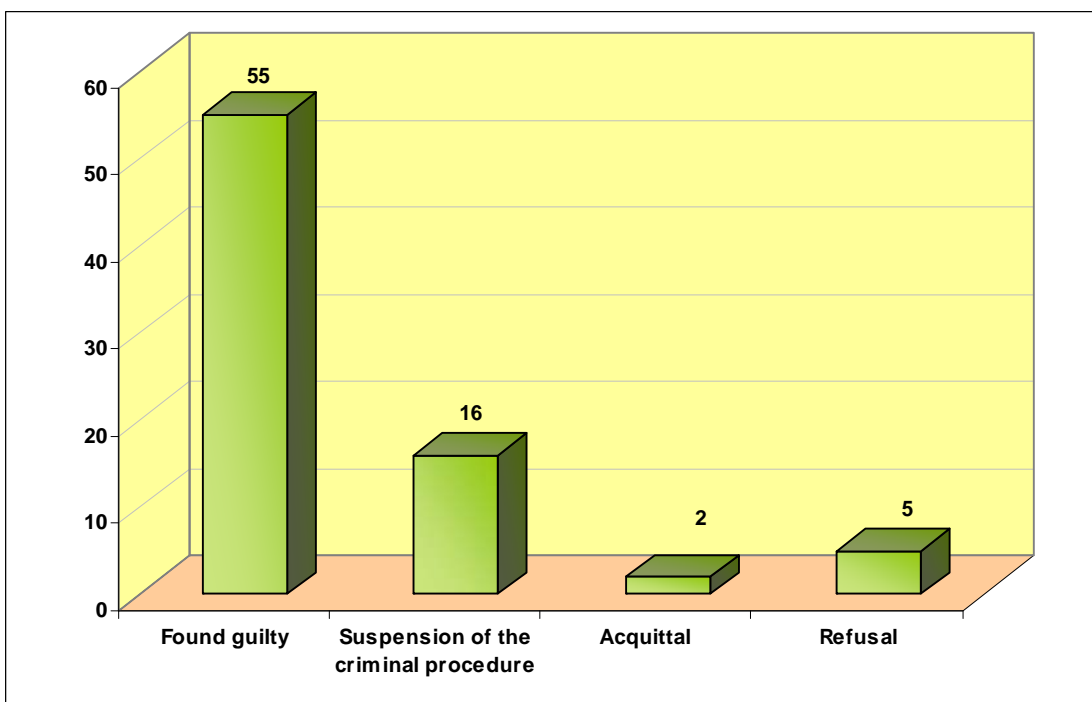


Table 7.5.**Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Rights Conferred by an Invention Applied for or Protected, Art. 232 CC - COURT DECISIONS**

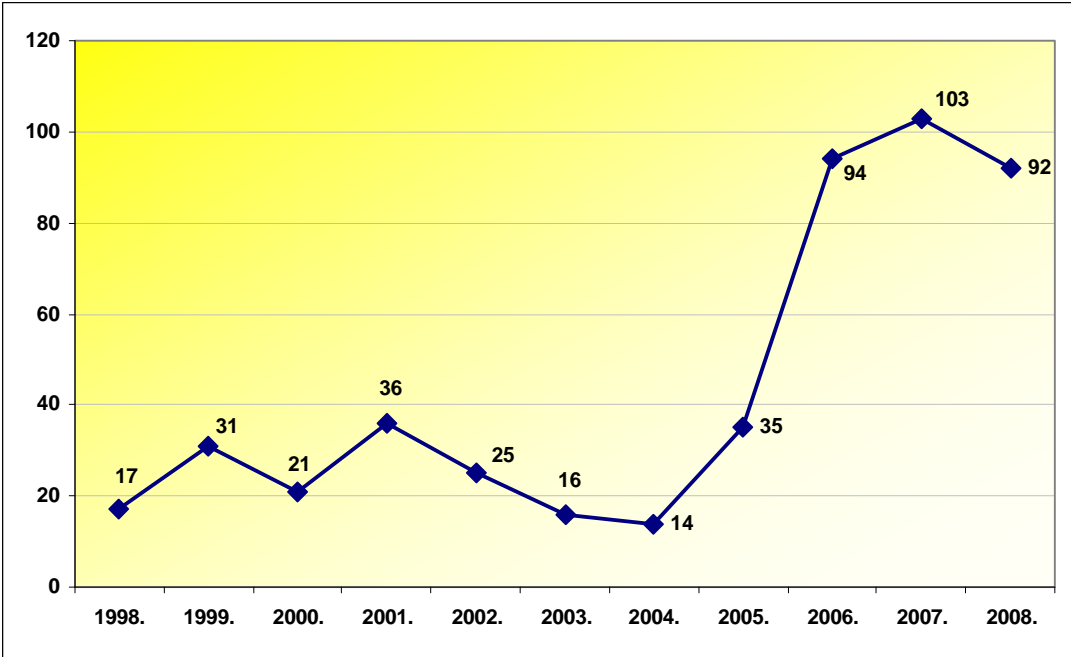
	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	10	7	3	-	-	-
1998	1	-	1	-	-	-
1999	-	-	-	-	-	-
2000	-	-	-	-	-	-
2001	-	-	-	-	-	-
2002	1	1	-	-	-	-
2003	1	-	1	-	-	-
2004	-	-	-	-	-	-
2005	-	-	-	-	-	-
2006	1	-	1	-	-	-
2007	4	4	-	-	-	-
2008	2	2	-	-	-	-

Table 7.6.

Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Industrial Property Rights and Unauthorized Use of Somebody Else's Firm, Art. 285 CC - COURT DECISIONS

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	484	397	32	29	26	-
1998	17	10	2	3	2	-
1999	31	29	1	1	-	-
2000	21	17	3	-	1	-
2001	36	16	4	7	9	-
2002	25	12	8	3	2	-
2003	16	9	3	4	-	-
2004	14	8	3	-	3	-
2005	35	33	1	1	-	-
2006	94	88	1	3	2	-
2007	103	96	2	3	2	-
2008	92	79	4	4	5	-

COURT DECISIONS - Trend of Accused Adults on a Criminal Offence Comprising the Infringement of the Industrial Property Rights and Unauthorized Use of Somebody Else's Firm, Art. 285 CC



Accused Adults by the Type of Decision on a Criminal Offence Comprising the Infringement of the Industrial Property Rights and Unauthorized Use of Somebody Else's Firm, Art. 285 CC - COURT DECISIONS

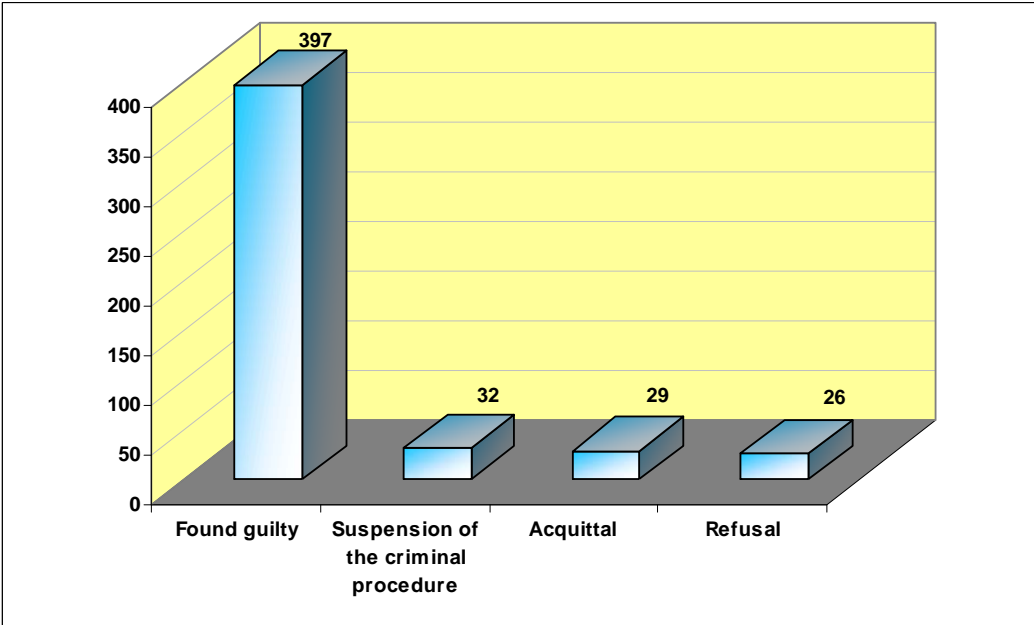
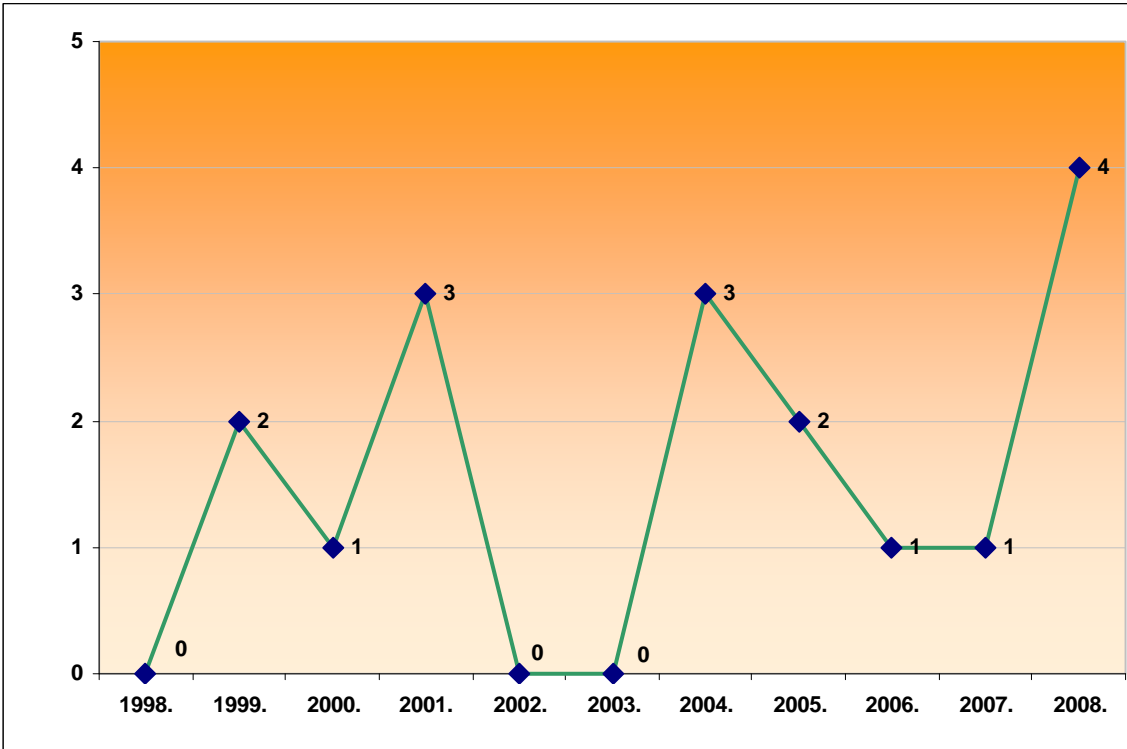


Table 7.7.
Convicted Persons by Sanctions Imposed in Accordance with Art. 230 CC (COPYRIGHT – PIRATED)
IMPRISONMENTS AS IMPOSED

	Unconditional imprisonment						Conditional imprisonment						
	Total	6-12 months	3-6 months	2-3 months	1-2 months	30 days	Total	1-2 years	6-12 months	3-6 months	2-3 months	1-2 months	30 days
1998	-	-	-	-	-	-	57	-	4	27	9	9	8
1999	2	1	1	-	-	-	75	-	6	13	26	14	16
2000	1	-	-	-	1	-	71	-	5	15	20	21	10
2001	3	-	1	2	-	-	72	1	6	21	17	13	14
2002	-	-	-	-	-	-	89	-	6	30	27	14	12
2003	-	-	-	-	-	-	120	2	14	38	42	15	9
2004	3	1	1	1	-	-	118	1	16	38	37	12	14
2005	2	1	1	-	-	-	119	2	24	40	38	8	7
2006	1	1	-	-	-	-	147	5	29	49	43	13	8
2007	1	-	-	-	-	1	122	4	19	43	36	14	6
2008	4	-	3	1	-	-	151	7	29	54	35	15	11
TOTAL	17	4	7	4	1	1	1141	22	158	368	330	148	115

UNCONDITIONAL IMPRISONMENTS FOR A CRIMINAL OFFENCE COMPRISING THE INFRINGEMENT OF COPYRIGHT – PIRATED COPIES



CONDITIONAL IMPRISONMENTS FOR A CRIMINAL OFFENCE COMPRISING THE INFRINGEMENT OF COPYRIGHT – PIRATED COPIES

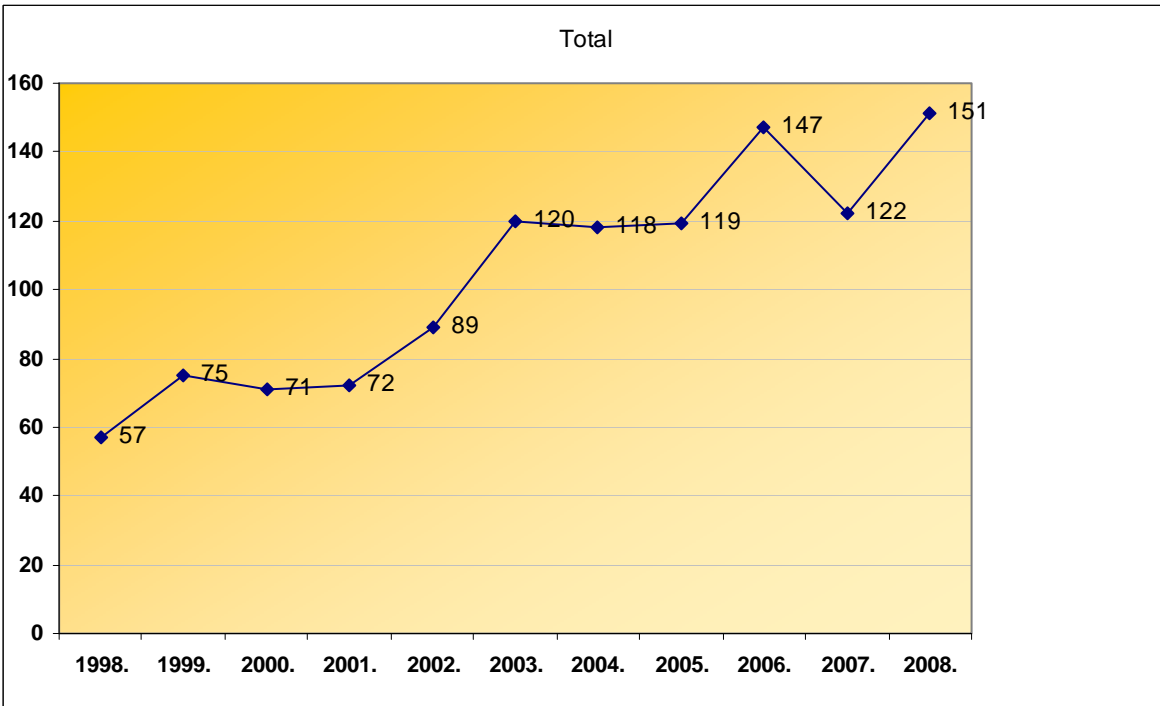
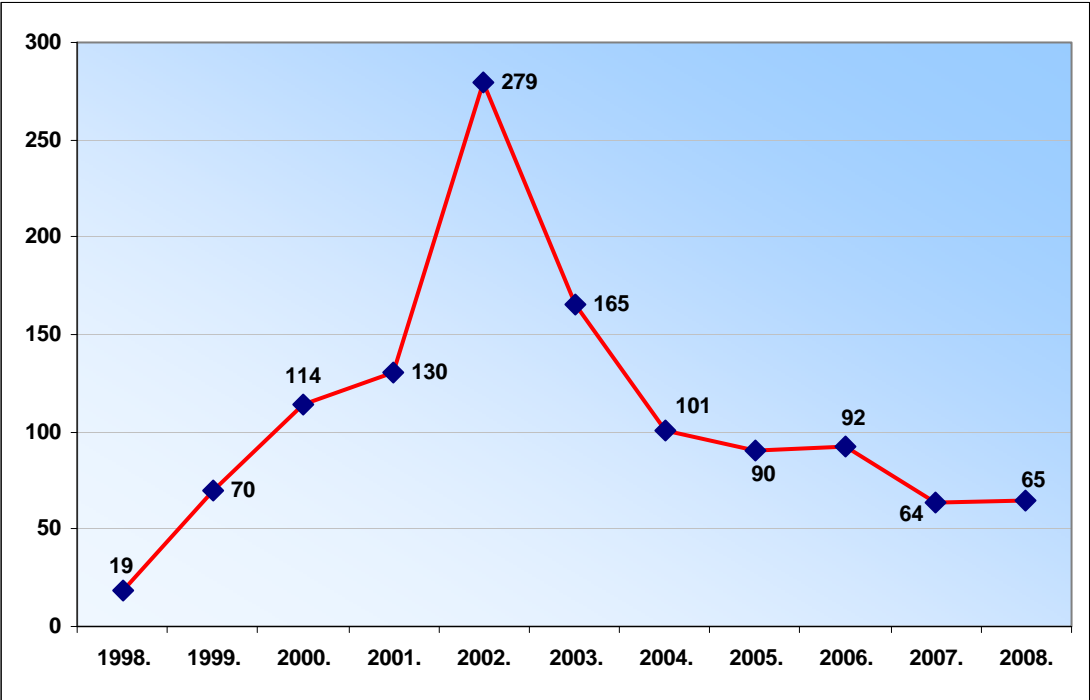


Table 7.8.
Convicted Persons by Sanctions Imposed in Accordance with Art. 230 CC (COPYRIGHT – PIRATED GOODS) FINES AND OTHER SANCTIONS AS IMPOSED (continuation)

	Unconditional fine (expressed in daily incomes)					Conditional fine (expressed in daily incomes)					Other sanctions		
	Total	10 to 25	26 to 50	51 to 75	76 to 150	Total	10 to 25	26 to 50	51 to 75	76 to 100	Judicial admonition	Educational measures	Suspension of juvenile prison
1998	19	13	5	1	-	2	2	-	-	-	1	-	-
1999	70	51	16	-	3	5	4	1	-	-	8	-	-
2000	114	68	41	2	3	9	6	3	-	-	9	1	-
2001	130	88	34	5	3	12	9	1	2	-	7	-	-
2002	279	243	31	2	3	18	14	4	-	-	8	-	-
2003	165	100	56	5	4	10	6	3	-	1	13	2	-
2004	101	58	38	3	2	7	4	3	-	-	6	1	-
2005	90	49	34	2	5	3	2	-	-	1	6	2	-
2006	92	47	35	2	8	3	-	2	1	-	4	-	1
2007	64	29	24	5	6	5	1	1	2	1	2	-	-
2008	65	30	31	1	3	4	1	3	-	-	2	-	-
TOTAL	1189	776	345	28	40	78	49	21	5	3	66	6	1

UNCONDITIONAL FINE (expressed in daily incomes) FOR A CRIMINAL OFFENCE COMPRISING THE INFRINGEMENT OF COPYRIGHT – PIRATED COPIES



CONDITIONAL FINE (expressed in daily incomes) FOR A CRIMINAL OFFENCE COMPRISING THE INFRINGEMENT OF COPYRIGHT – PIRATED COPIES

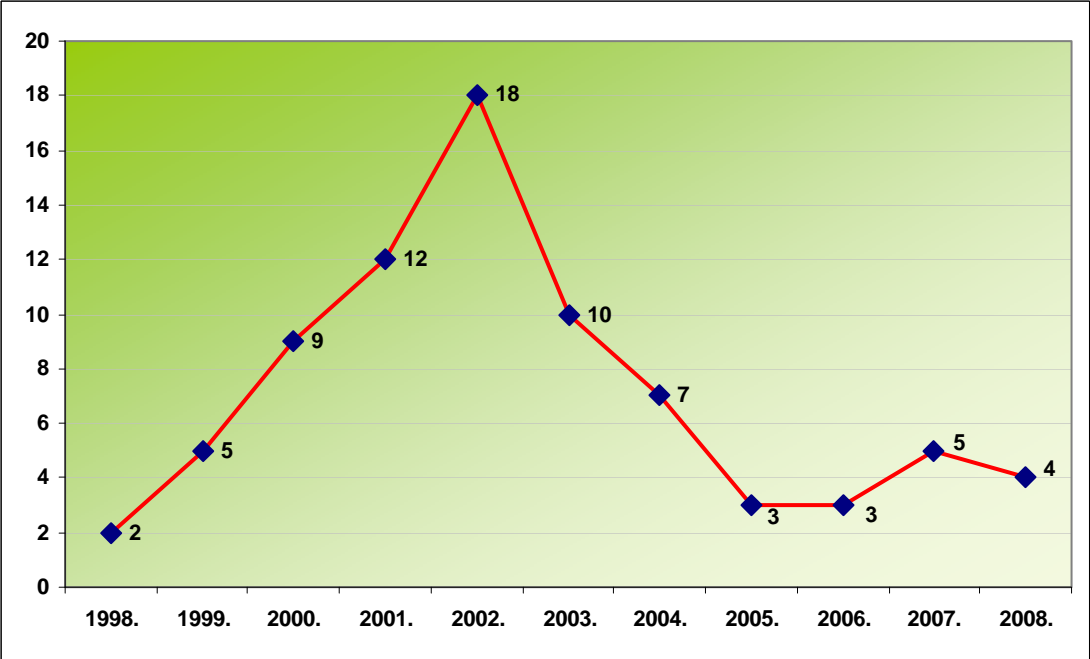


Table 7.9.

Convicted Persons by Sanctions Imposed in Accordance with Art. 285 CC (INDUSTRIAL PROPERTY RIGHT)

IMPRISONMENTS AS IMPOSED

	Unconditional imprisonment				Conditional imprisonment					
	Total	6-12 months	2-3 months	30 days	Total	1-2 years	3-6 months	2-3 months	1-2 months	30 days
1998	1	1	-	-	6	-	4	1	-	1
1999	-	-	-	-	8	-	3	1	2	1
2000	-	-	-	-	8	-	-	-	2	5
2001	-	-	-	-	12	-	5	3	2	2
2002	1	-	-	1	5	-	2	1	-	-
2003	-	-	-	-	6	1	3	-	-	-
2004	-	-	-	-	5	-	4	1	-	-
2005	-	-	-	-	13	-	2	10	-	1
2006	-	-	-	-	26	-	11	13	1	-
2007	1	-	1	-	35	-	9	13	5	5
2008	1	1	-	-	53	13	14	15	6	5
TOTAL	4	2	1	1	177	14	57	58	18	20

Table 7.10.

**Convicted Persons by Sanctions Imposed in Accordance with Art. 285 CC (INDUSTRIAL PROPERTY RIGHT)
– FINES AND OTHER SANCTIONS AS IMPOSED (continuation)**

	Unconditional fine (expressed in daily incomes)							Other sanctions		
	Total	10 to 25	26 to 75	101 to 150	10 to 25	26 to 50	51 to 75	Judicial admonition	Educational measures	Suspension of juvenile prison
1998.	3	3	-	-	-	-	-	-	-	-
1999.	21	15	-	-	-	-	-	-	-	-
2000.	9	5	-	2	-	-	-	-	-	-
2001.	4	4	-	-	-	-	-	-	-	-
2002.	5	2	-	-	1	-	-	-	-	-
2003.	3	1	-	-	-	-	-	-	-	-
2004.	3	-	-	-	-	-	-	-	-	-
2005.	18	-	4	-	-	-	-	2	-	-
2006.	62	19	5	2	-	-	-	-	-	-
2007.	55	22	7	-	1	3	1	-	-	-
2008.	25	12	13	-	-	-	-	-	-	-
TOTAL	208	83	29	4	2	3	1	2	-	-

UNCONDITIONAL FINE (expressed in daily incomes) FOR A CRIMINAL OFFENCE COMPRISING THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS

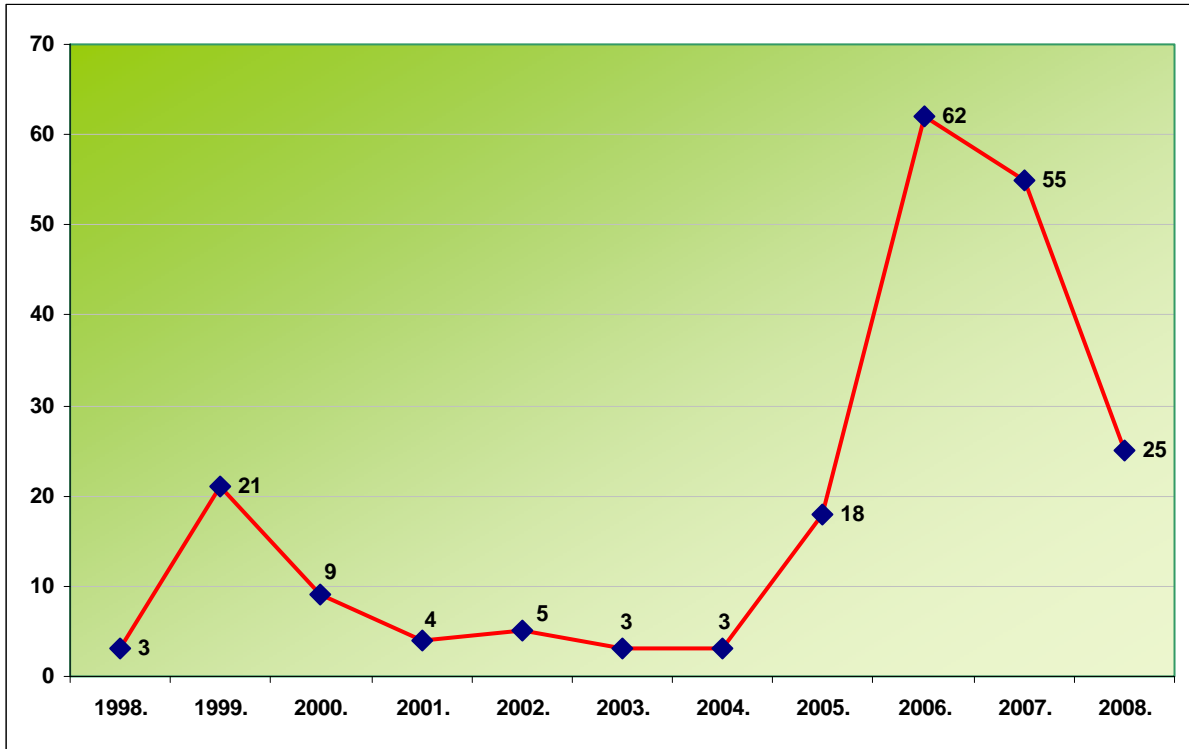
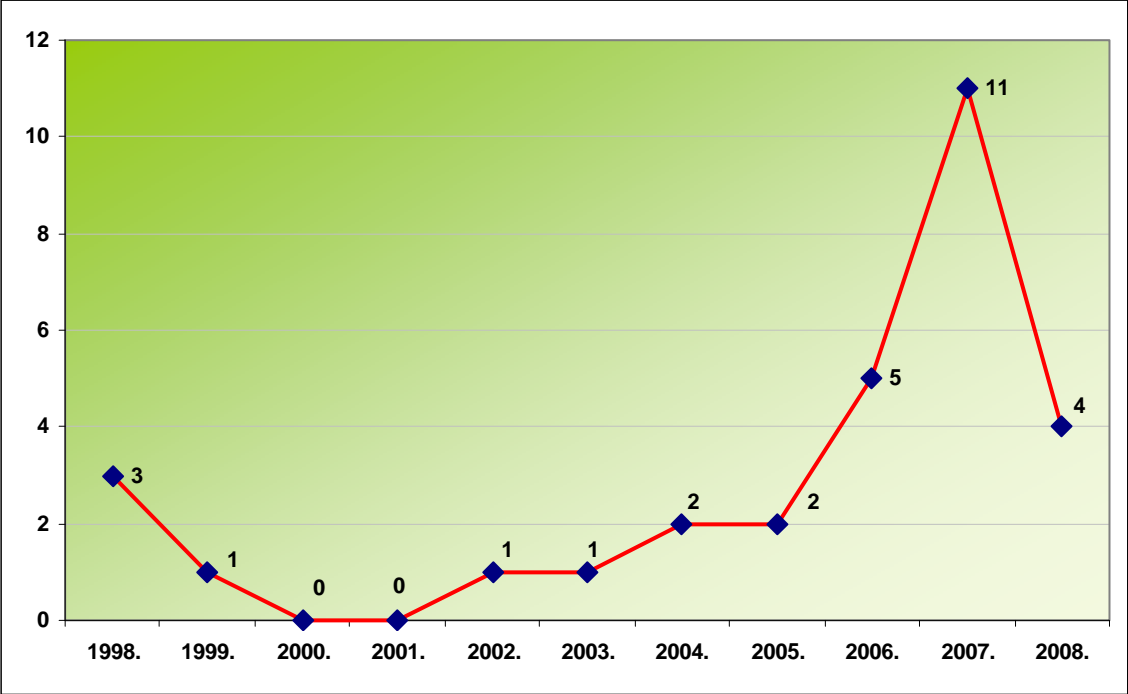


Table 7.11.

Convicted Persons by Sanctions Imposed for Other Infringements – RIGHT CONFERRED BY AN INVENTION APPLIED FOR OR PROTECTED AND OTHER INFRINGEMENTS (Article 229, Article 231, Article 232 of the Criminal Code) – SANCTIONS AS IMPOSED

	Conditional imprisonment						Unconditional fine (expressed in daily incomes)					
	Total	6-12 months	3-6 months	2-3 months	1-2 months	30 days	Total	10 to 25	26 to 50	51 to 75	76 to 100	101 to 150
1998	3	-	3	-	-	-	3	1	2	-	-	-
1999	1	-	-	-	-	1	1	1	-	-	-	-
2000	-	-	-	-	-	-	3	1	2	-	-	-
2001	-	-	-	-	-	-	2	-	2	-	-	-
2002	1	-	-	-	-	1	9	7	2	-	-	-
2003	1	-	1	-	-	-	1	-	1	-	-	-
2004	2	-	-	-	2	-	-	-	-	-	-	-
2005	2	1	1	-	-	-	-	-	-	-	-	-
2006	5	-	-	4	1	-	2	2	-	-	-	-
2007	11	2	2	4	3	-	7	6	-	1	-	-
2008	4	-	2	2	-	-	7	2	-	1	4	-
TOTAL	30	3	9	10	6	2	35	20	9	2	4	-

CONDITIONAL IMPRISONMENT for Other Infringements – RIGHT CONFERRED BY AN INVENTION APPLIED FOR OR PROTECTED AND OTHER INFRINGEMENTS (Article 229, Article 231, Article 232 of the Criminal Code)



UNCONDITIONAL FINE for Other Infringements – RIGHT CONFERRED BY AN INVENTION APPLIED FOR OR PROTECTED AND OTHER INFRINGEMENTS (Article 229, Article 231, Article 232 of the Criminal Code)

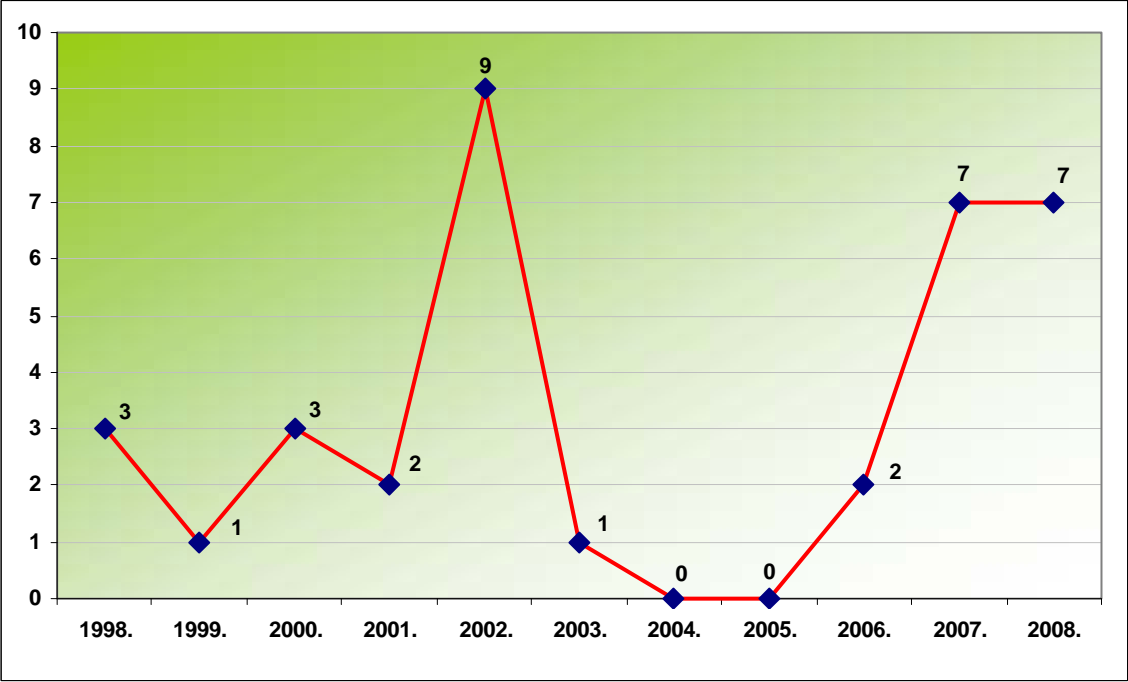


Table 7.12.

The Number of Judicial Procedures in Which a Security Measure Comprising the Seizure of Objects and a Special Measure Comprising the Seizure of Economic Benefits Were Imposed – Persons Convicted for the Infringements of Copyright (Pirated Copies) - Art. 230 CC

	A security measure comprising the seizure of objects imposed	Economic benefits seized
Total	1134	206
1998	29	16
1999	67	22
2000	79	34
2001	81	27
2002	212	23
2003	135	33
2004	144	15
2005	136	11
2006	108	13
2007	143	12
2008	126	12

THE NUMBER OF JUDICIAL PROCEDURES IN WHICH A SECURITY MEASURE COMPRISING THE SEIZURE OF ECONOMIC BENEFITS WAS IMPOSED FOR THE INFRINGEMENT OF COPYRIGHT

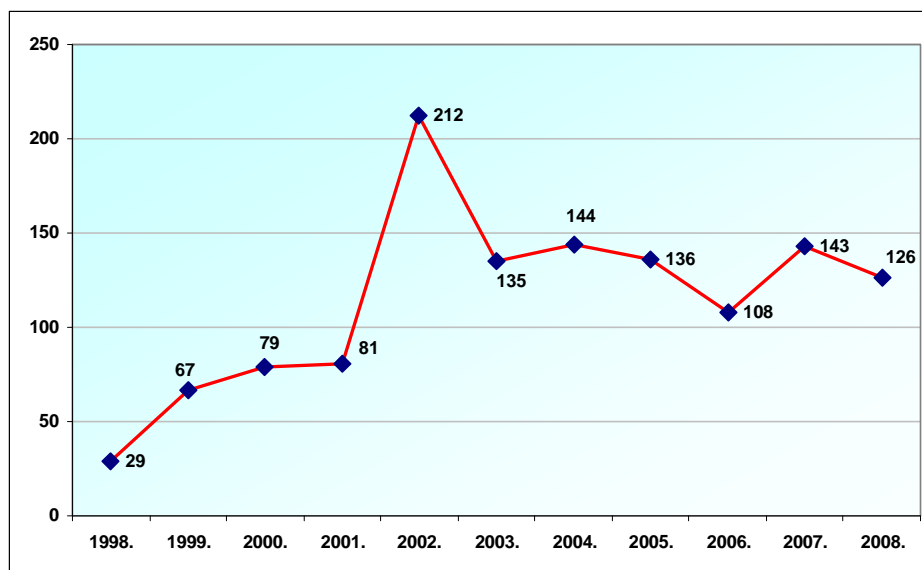


Table 7.13.

The Number of Judicial Procedures in Which a Security Measure and a Special Measure Comprising the Seizure of Economic Benefits Were Imposed – Persons Convicted for the Infringements of Industrial Property Rights - Art. 285 CC

	Security measures			Economic gain seized
	Total	Seizure of objects	Expulsion of aliens	
Total	212	209	2	28
1998	2	2	-	1
1999	18	17	1	4
2000	4	3	-	6
2001	3	3	-	7
2002	5	5	-	1
2003	4	4	-	4
2004	3	3	-	-
2005	27	27	-	1
2006	70	70	-	3
2007	76	75	1	1
2008	201	201	-	21

THE NUMBER OF JUDICIAL PROCEDURES IN WHICH A SECURITY MEASURE WAS IMPOSED FOR THE INFRINGEMENT OF INDUSTRIAL PROPERTY RIGHTS

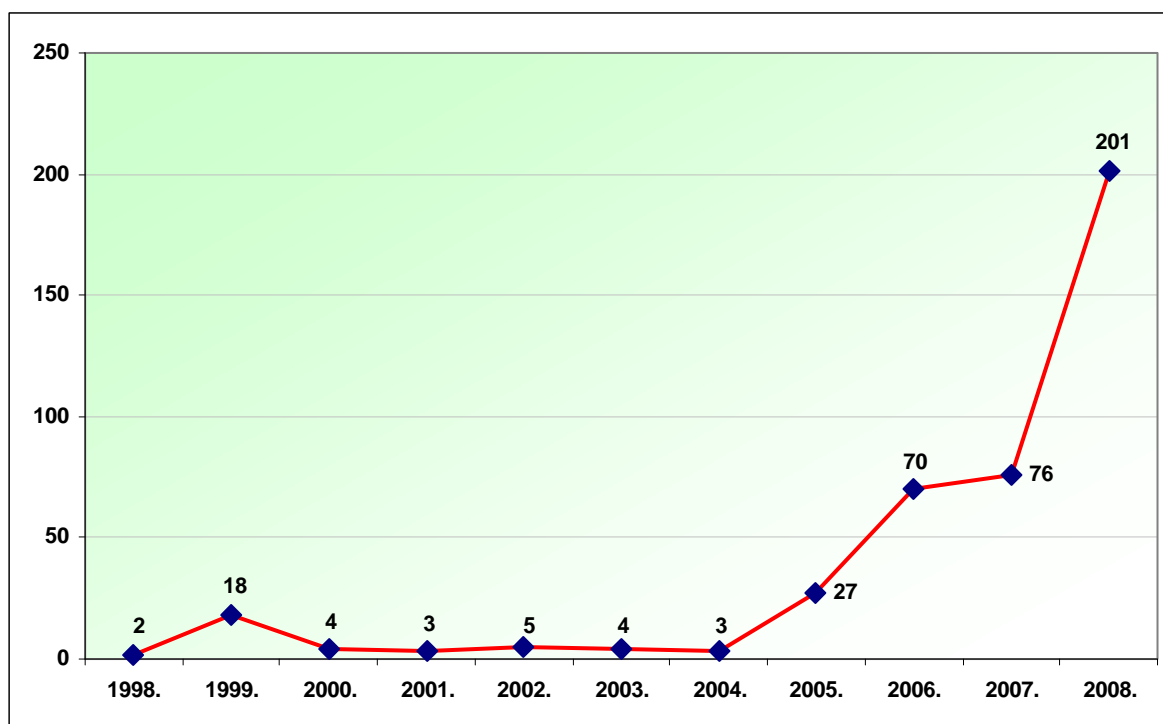


Table 7.14.

Account of Fines Imposed on Committers of Criminal Offences Comprising the Infringement of Copyright – PIRATED COPIES
(Article 230 CC)

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			HRK 2.905	HRK 6.308	HRK 10.458	HRK 14.608	HRK 20.750
1998	HRK		43575	31540	10458	-	-
	EUR	51.500	6000	4400	1500	-	-
1999	HRK		459775	107236	-	29216	20750
	EUR	41.000	22000	15000	-	4000	2900
2000	HRK		214970	277552	20916	43824	-
	EUR	103.000	30000	38000	2900	6000	-
2001	HRK		281785	220780	73206	29216	20750
	EUR	86.900	39000	31000	10000	4000	2900
2002	HRK		746585	220780	20916	43824	-
	EUR	142.000	103000	31000	2900	6000	-
2003	HRK		307930	372172	52290	58432	20750
	EUR	112.100	43000	51000	7200	8000	2900
2004	HRK		180110	258628	31374	29216	-
	EUR	68.800	25000	35500	4300	4000	-
2005	HRK		148155	214472	20916	73040	-
	EUR	62.900	20000	30000	2900	10000	-
2006	HRK		136535	233396	31374	102256	20750
	EUR	72.200	19000	32000	4300	14000	2900
2007	HRK		87150	157700	73206	87648	20750
	EUR	58.900	12000	22000	10000	12000	2900
2008	HRK		87150	195548	10458	29216	20750
	EUR	47.002	11938	26787	1433	4002	2842

D.I. - a fine expressed in daily incomes (average daily income in the Republic of Croatia)

ACCOUNT OF FINES CONVERTED IN EUROS AS IMPOSED FOR CRIMINAL OFFENCES COMPRISING THE INFRINGEMENT OF COPYRIGHT (PIRATED COPIES) FROM 1998 - 2008

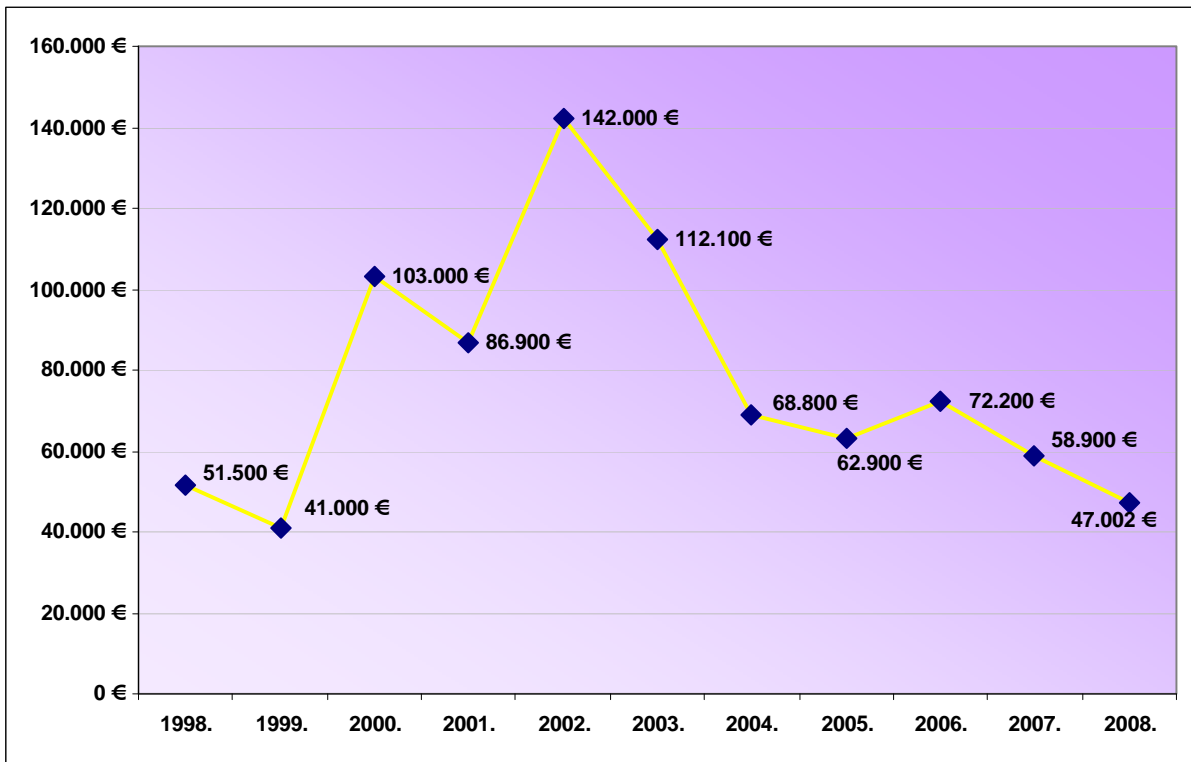


Table 7.15.

Account of Fines Imposed on Committers of Criminal Offences Comprising the Infringements of Industrial Property Rights - Article 285 CC

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			HRK 2.905	HRK 6.308	HRK 10.458	HRK 14.608	HRK 20.750
1998	HRK		8715	-	-	-	-
	EUR	1.200	1200	-	-	-	-
1999	HRK		4575	37848	-	-	-
	EUR	11.200	6000	5200	-	-	-
2000	HRK		14525	5810	-	-	41500
	EUR	8.500	2.000	800	-	-	5700
2001	HRK		11620	-	-	-	-
	EUR	1.600	1.600	-	-	-	-
2002	HRK		8715	18924	-	-	-
	EUR	3.800	1200	2600	-	-	-
2003	HRK		2905	6308	-	14608	-
	EUR	3.300	400	900	-	2000	-
2004	HRK		-	18924	-	-	-
	EUR	2.600	-	2600	-	-	-
2005	HRK		-	69388	41832	43824	-
	EUR	21.300	-	9500	5800	6000	-
2006	HRK		55195	195548	52290	73040	41500
	EUR	57.500	7600	27000	7200	10000	5700
2007	HRK		66815	138776	83664	102256	-
	EUR	53.700	9200	19000	11500	14000	-
2008	HRK		34860	69388	10458		
	EUR	15.713	4775	9505	1433	-	-

D.I. - a fine expressed in daily incomes (average daily income in the Republic of Croatia)

ACCOUNT OF FINES AS IMPOSED FOR CRIMINAL OFFENCES COMPRISING THE INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS

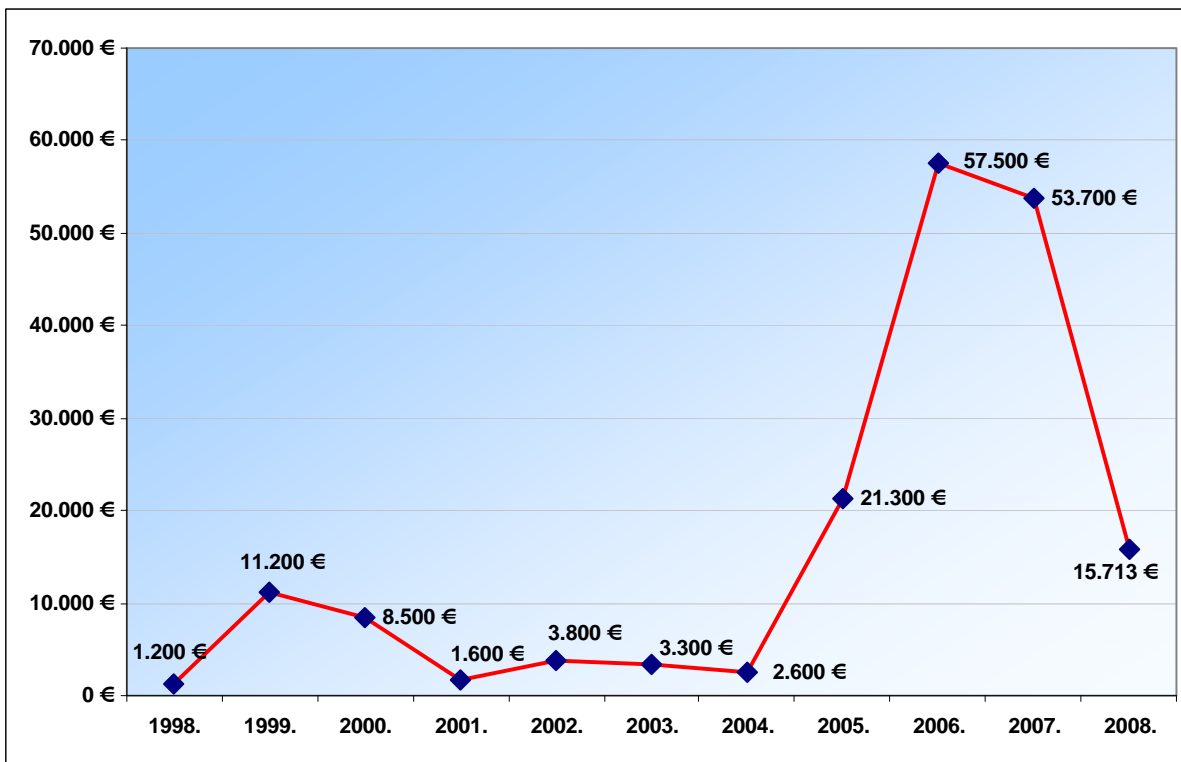


Table 7.16.

Account of Fines Imposed on Committers of Criminal Offences Comprising the Infringements of the Rights Conferred by a Protected Invention and Other Infringements - Article 232 CC

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			HRK 2.905	HRK 6.308	HRK 10.458	HRK 14.608	HRK 20.750
1998	HRK		2905	12616	-	-	-
	EUR	2.100	400	1700	-	-	-
1999	HRK		2905	-	-	-	-
	EUR	400	400	-	-	-	-
2000	HRK		2905	12616	-	-	-
	EUR	2.100	400	1700	-	-	-
2001	HRK		-	12616	-	-	-
	EUR	1.700	-	1700	-	-	-
2002	HRK		20335	12616	-	-	-
	EUR	4.500	2800	1700	-	-	-
2003	HRK		-	6308	-	-	-
	EUR	900	-	900	-	-	-
2004	HRK		-	-	-	-	-
	EUR	-	-	-	-	-	-
2005	HRK		-	-	-	-	-
	EUR	-	-	-	-	-	-
2006	HRK		5810	-	-	-	-
	EUR	800	800	-	-	-	-
2007	HRK		17430	-	10458	-	-
	EUR	3900	2400	-	1500	-	-
2008	HRK		5810	-	10458	58432	-
	EUR	10.233	796	-	1433	8004	-

D.I. - a fine expressed in daily incomes (average daily income in the Republic of Croatia)

ACCOUNT OF FINES CONVERTED IN EUROS AS IMPOSED FOR CRIMINAL OFFENCES COMPRISING THE INFRINGEMENT OF THE RIGHTS CONFERRED BY A PROTECTED INVENTION

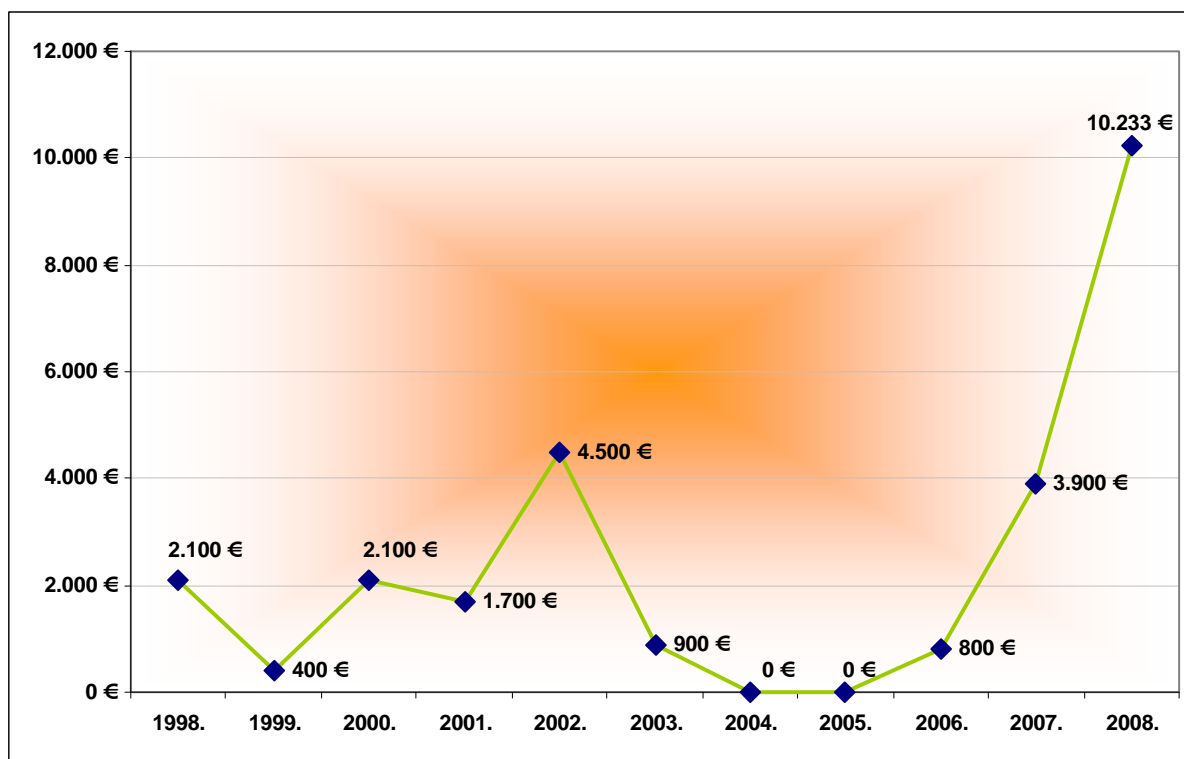


Table 7.17.

Fines IN HRK Imposed on Natural Persons – Infringement of the Copyright Provisions from 2000 to 2008

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL	16 162	3 958	7 667	4 457	72	8
2000	1 479	477	681	318	3	-
2001	2 296	709	1 189	396	2	-
2002	2 599	751	1 296	545	6	1
2003	2 030	418	1 160	443	7	2
2004	2 086	417	1 257	407	4	1
2005	1 886	390	861	621	13	1
2006	2 129	470	739	893	25	2
2007	1 657	326	484	834	12	1
2008	1 783	314	530	911	27	1

Table 7.18.

Fines IN HRK Imposed to Legal and Responsible Persons – Infringement of the Copyright Provisions from 2000 to 2008

	TOTAL	300 to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000	More than 20 000
TOTAL	2 349	752	725	756	94	18	4
2000	105	47	46	8	4	-	-
2001	300	175	55	60	6	4	-
2002	418	231	81	91	14	1	-
2003	333	37	132	139	20	3	2
2004	307	97	108	85	16	1	-
2005	296	67	127	94	8	-	-
2006	265	12	58	163	24	7	1
2007	325	86	118	116	2	2	1
2008	440	102	123	211	4	-	-

Table 7.19.**Fines in HRK Imposed to Natural Persons – Infringement of the Trademark Provisions from 2000 to 2008**

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL	1 506	377	522	590	12	5
2000	266	80	83	101	1	1
2001	282	96	83	98	3	2
2002	237	80	68	86	2	1
2003	202	42	86	71	3	-
2004	150	33	63	53	-	1
2005	135	25	55	54	1	-
2006	104	14	45	44	1	-
2007	130	7	39	83	1	-
2008	105	12	48	39	6	-

Table 7.20.

Fines in HRK Imposed to Legal and Responsible Persons – Infringement of the Trademark Provisions from 2000 to 2008

	TOTAL	300 to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000	More than 20 000
TOTAL	811	261	311	217	12	-	10
2000	105	35	27	41	2	-	-
2001	144	55	53	35	1	-	-
2002	172	77	48	44	3	-	-
2003	128	36	48	33	1	-	10
2004	99	16	65	16	2	-	-
2005	79	29	29	20	1	-	-
2006	53	8	24	19	2	-	-
2007	31	5	17	9	-	-	-
2008	52	8	20	20	4	-	-

Table 7.21.

Fines in HRK Imposed to Natural Persons – Infringement of the Patent and Technical Improvements Provisions from 2000 to 2008

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL	59	24	27	7	1	-
2000	35	17	14	4	-	-
2001	16	3	11	2	-	-
2002	1	-	-	1	-	-
2003	-	-	-	-	-	-
2004	-	-	-	-	-	-
2005	-	-	-	-	-	-
2006	5	3	2	-	-	-
2007	2	1	-	-	1	-
2008	1	-	1	-	-	-

Table 7.22.

Fines in HRK Imposed to Legal and Responsible Persons – Infringement of the Patent and Technical Improvements Provisions from 2000 to 2008

	TOTAL	300 to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000	More than 20 000
TOTAL	35	28	5	2	-	-	-
2000	16	14	2	-	-	-	-
2001	18	14	3	1	-	-	-
2002	1	-	-	1	-	-	-
2003	-	-	-	-	-	-	-
2004	-	-	-	-	-	-	-
2005	-	-	-	-	-	-	-
2006	-	-	-	-	-	-	-
2007	-	-	-	-	-	-	-
2008	2	-	2	-	-	-	-

7.2. MISDEMEANOR DECISIONS AND SANCTIONS

**Table 7.23.
MISDEMEANOUR PROCEDURES AGAINST NATURAL PERSONS
FOR THE INFRINGEMENT OF THE COPYRIGHT PROVISIONS FROM
2000 TO 2008**

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
2000	2 184	1 576	-	1 479	97
2001	4 231	2 570	-	2 296	274
2002	4 963	2 896	-	2 599	297
2003	4 370	2 386	-	2 030	356
2004	4 743	2 356	-	2 086	270
2005	4 159	2 116	6	1 886	224
2006	4 741	2 301	-	2 129	172
2007	2 911	1 731	1	1 657	73
2008	3 186	1 914	-	1 783	131

**ACCUSED AND FOUND GUILTY (NATURAL PERSONS) FOR THE
INFRINGEMENT OF THE COPYRIGHT PROVISIONS FROM 2000 TO 2008**

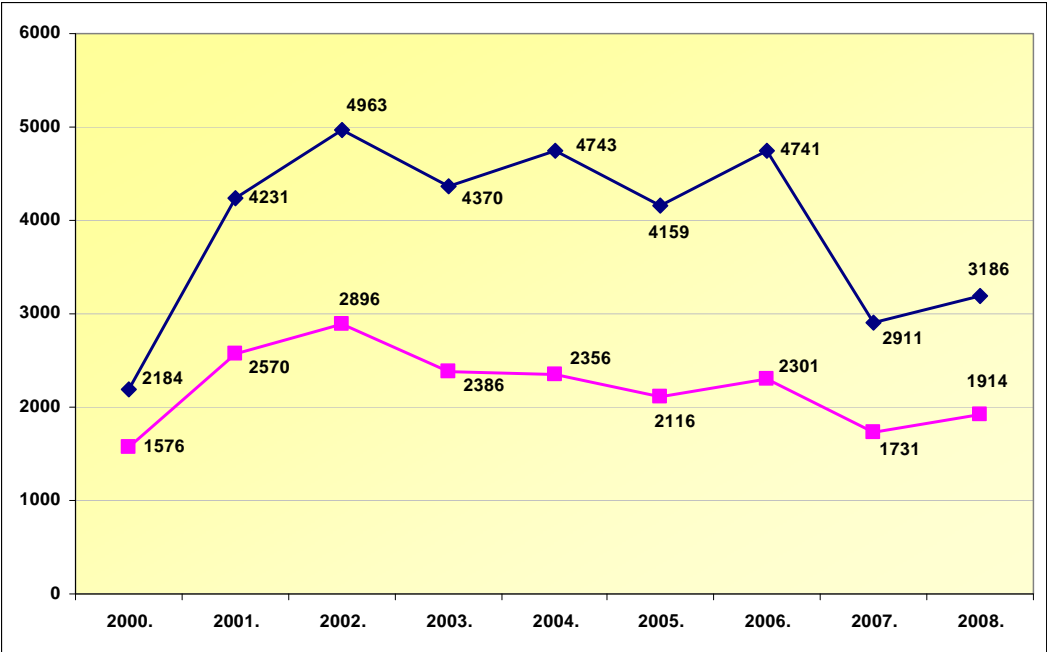


Table 7.24.
MISDEMEANOUR PROCEDURES AGAINST LEGAL AND RESPONSIBLE PERSONS FOR THE INFRINGEMENT OF THE COPYRIGHT PROVISIONS FROM 2000 TO 2008

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
2000	345	127	105	22
2001	1 005	365	300	65
2002	1 360	481	418	63
2003	1 528	443	333	110
2004	1 758	429	307	122
2005	1 781	399	296	103
2006	1 616	351	265	86
2007	1 219	374	325	49
2008	1 473	547	440	107

ACCUSED AND FOUND RESPONSIBLE (LEGAL AND RESPONSIBLE PERSONS) FOR THE INFRINGEMENT OF THE COPYRIGHT PROVISIONS FROM 2000 TO 2008

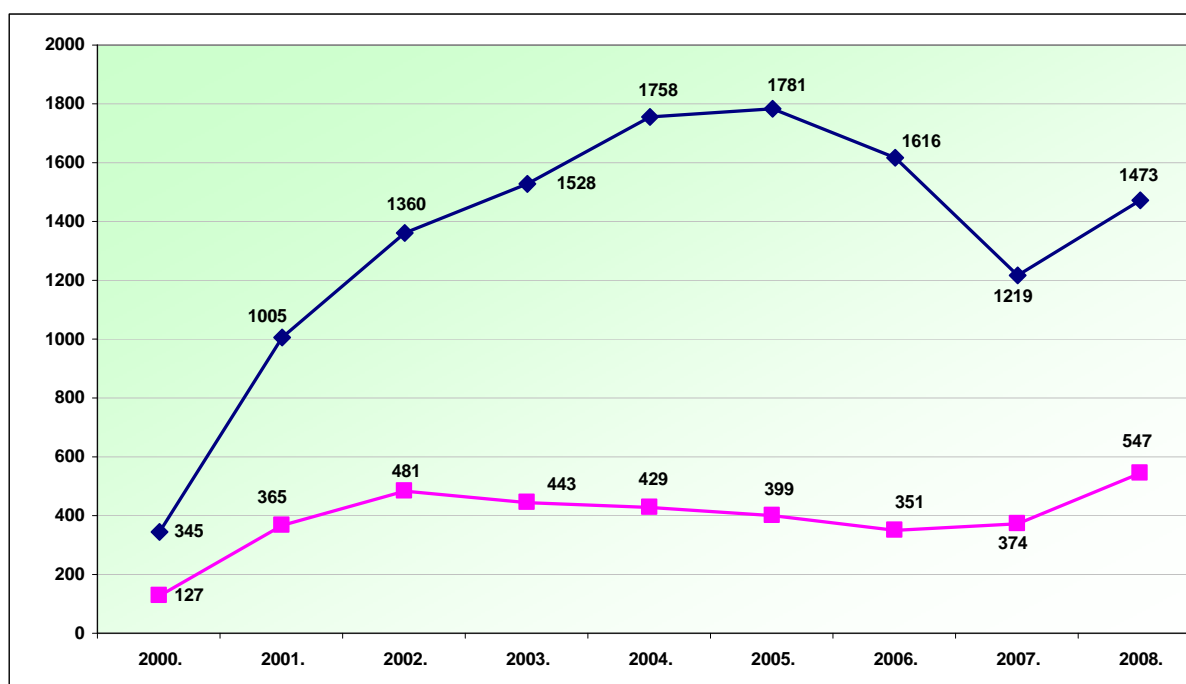
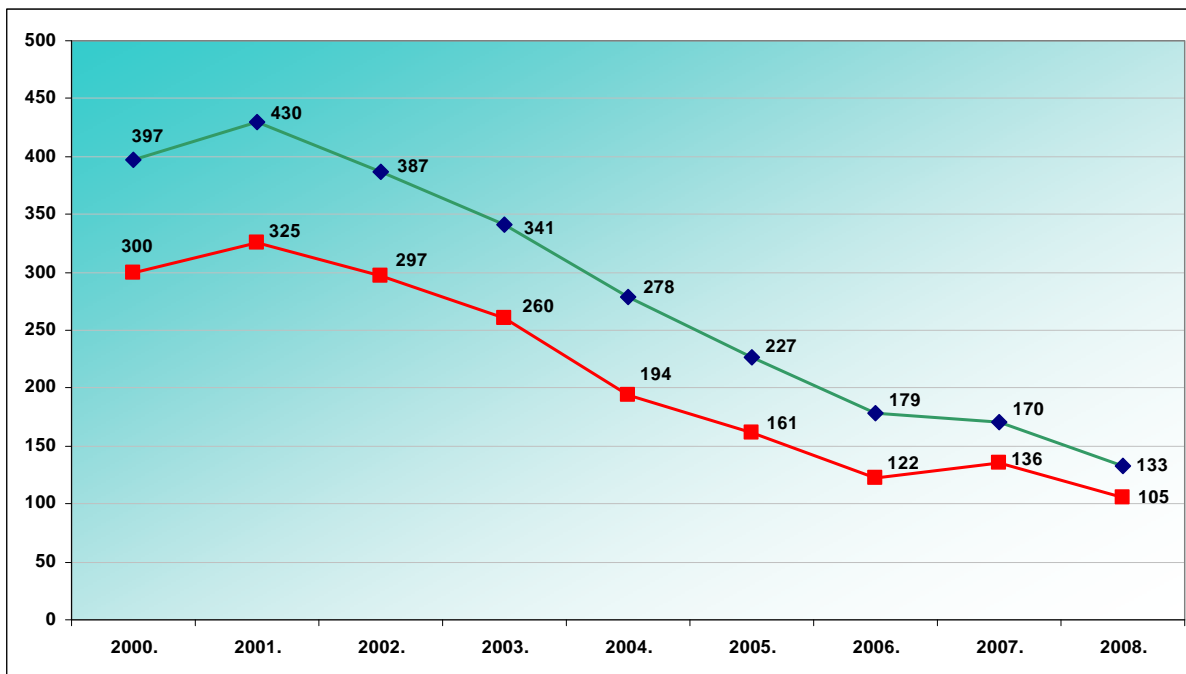


Table 7.25.

MISDEMEANOUR PROCEDURES RELATING TO THE INFRINGEMENT OF THE TRADEMARK AND OTHER INDICATIONS PROVISIONS FROM 2000 TO 2008 (adult persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
2000	397	300	-	266	34
2001	430	325	-	282	43
2002	387	297	-	237	60
2003	341	260	-	202	58
2004	278	194	-	150	44
2005	227	161	-	135	26
2006	179	122	-	104	18
2007	170	136	-	130	6
2008	133	105	-	92	13

ACCUSED AND FOUND GUILTY (NATURAL PERSONS) - THE INFRINGEMENT OF THE TRADEMARK AND OTHER INDICATIONS PROVISIONS FROM 2000 TO 2008



ACCUSED AND FOUND GUILTY NATURAL PERSONS - INFRINGEMENT OF THE PROVISIONS ON TRADEMARKS AND OTHER INDICATIONS, 2000 - 2008

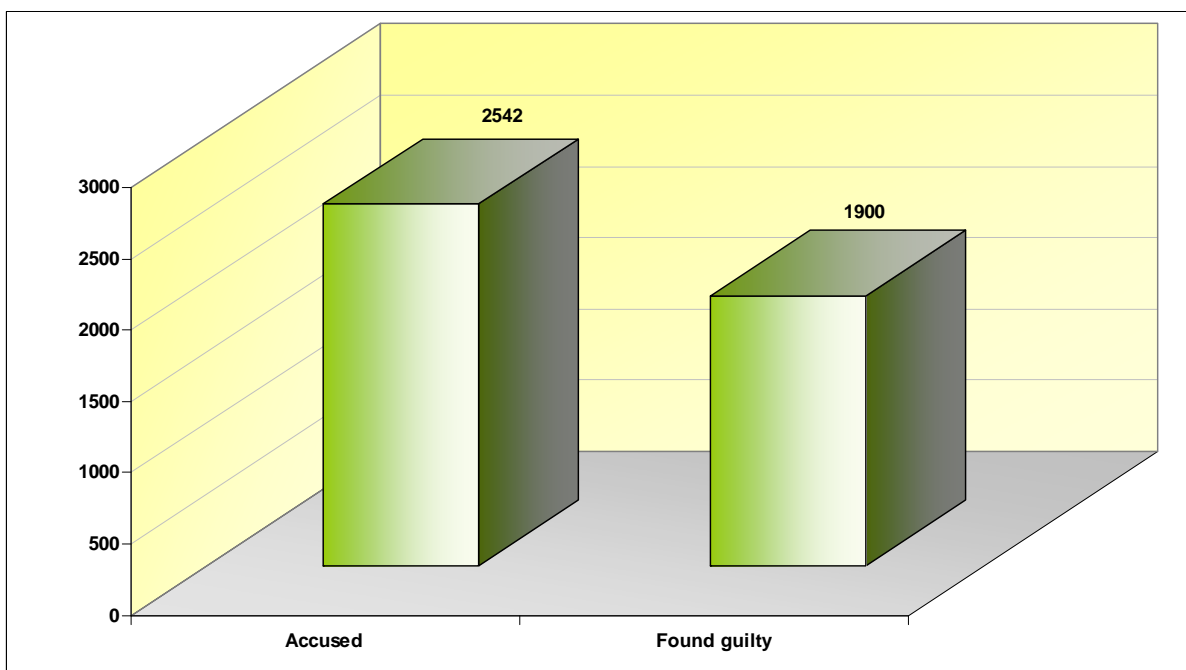
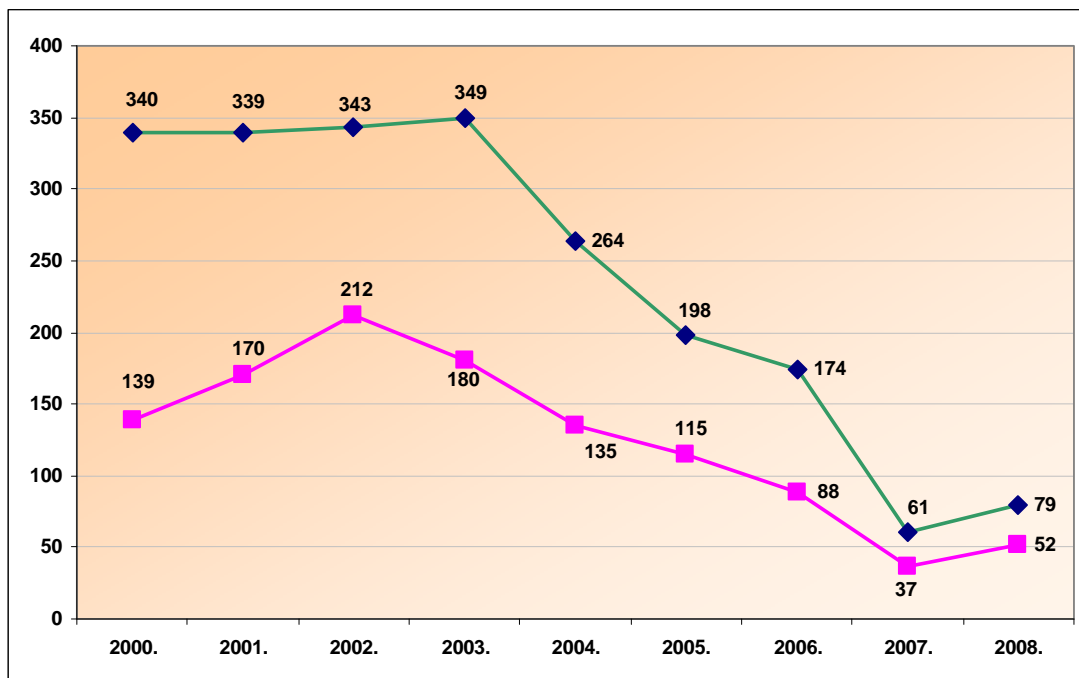


Table 7.26.

MISDEMEANOUR PROCEDURES RELATING TO THE INFRINGEMENT OF THE TRADEMARK AND OTHER INDICATIONS PROVISIONS FROM 2000 TO 2008 (legal and responsible persons)

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
2000	340	139	105	34
2001	339	170	144	26
2002	343	212	172	40
2003	349	180	128	52
2004	264	135	99	36
2005	198	115	79	36
2006	174	88	53	35
2007	61	37	31	6
2008	79	52	39	13

ACCUSED AND FOUND RESPONSIBLE (LEGAL AND RESPONSIBLE PERSONS) - INFRINGEMENT OF THE TRADEMARK AND OTHER INDICATIONS PROVISIONS FROM 2000 TO 2008



ACCUSED AND FOUND GUILTY LEGAL AND RESPONSIBLE PERSONS - INFRINGEMENT OF THE PROVISIONS ON TRADEMARKS AND OTHER INDICATIONS, 2000 - 2008

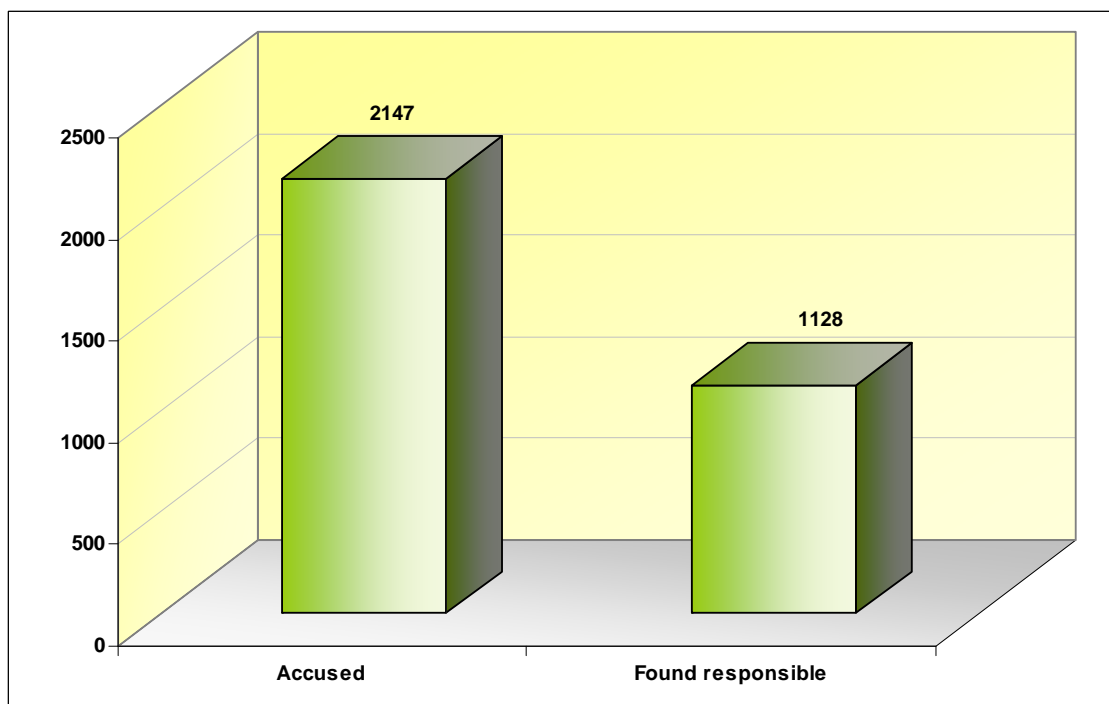


Table 7.27.

MISDEMEANOUR PROCEDURES RELATING TO THE INFRINGEMENT OF THE PATENT AND TECHNICAL IMPROVEMENTS PROVISIONS FROM 2000 TO 2008 (adult persons)

	Accused	Found responsible	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
2000	56	39	-	35	4
2001	19	19	-	16	3
2002	1	1	-	1	-
2003	1	-	-	-	-
2004	-	-	-	-	-
2005	2	2	-	-	2
2006	5	5	-	5	-
2007	3	2	-	2	-
2008	1	1	-	1	-

ACCUSED AND FOUND GUILTY (NATURAL PERSONS) - INFRINGEMENT OF THE PATENT AND TECHNICAL IMPROVEMENTS PROVISIONS, 2000 - 2008

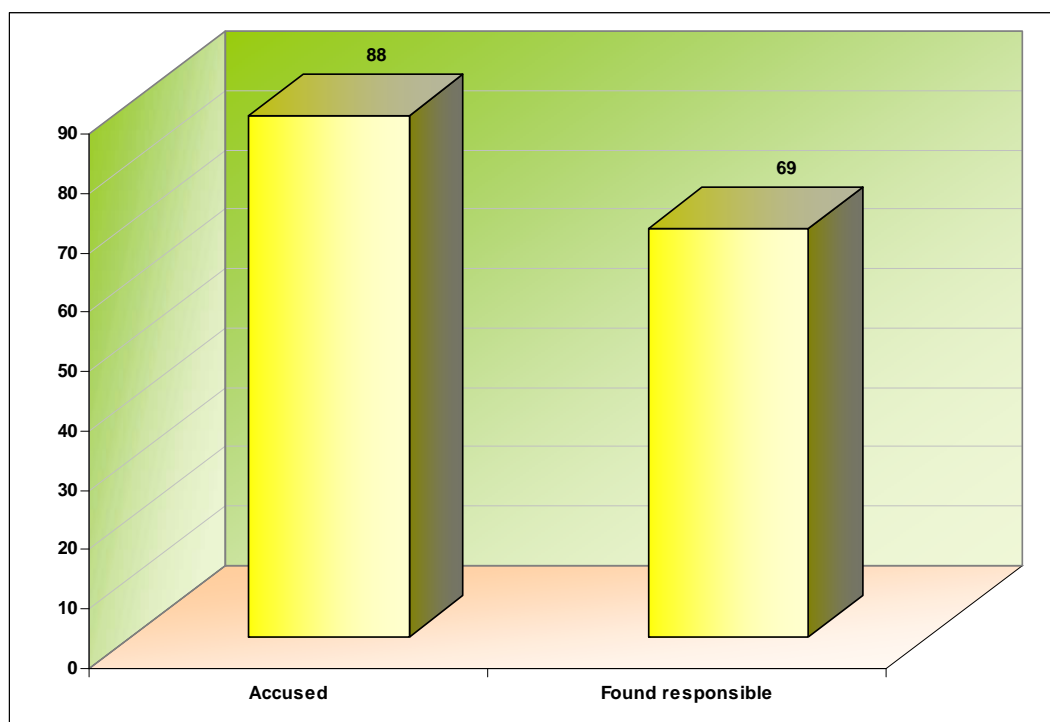
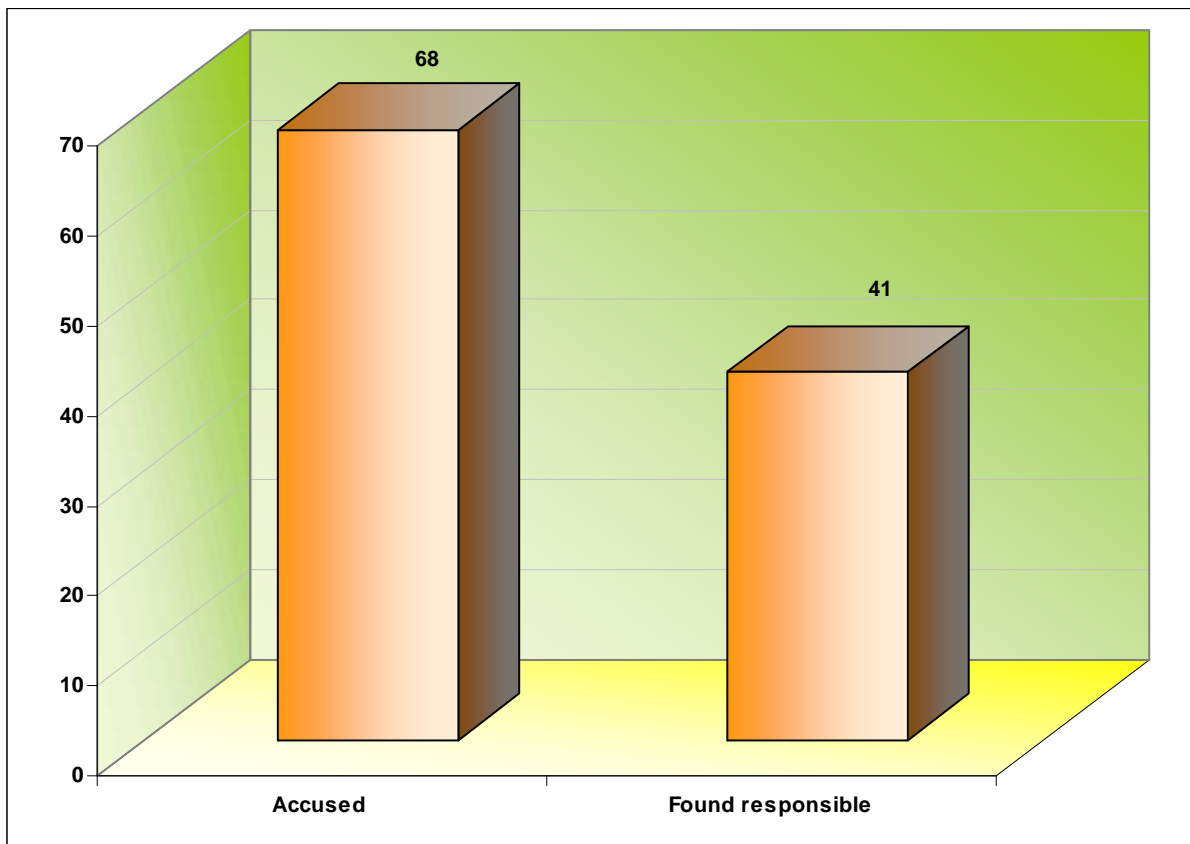


Table 7.28.
MISDEMEANOUR PROCEDURES RELATING TO THE INFRINGEMENT OF THE
PATENT AND TECHNICAL IMPROVEMENTS PROVISIONS FROM 2000 TO 2008
(legal and responsible persons)

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
2000	35	17	16	1
2001	28	20	18	2
2002	2	1	1	-
2003	-	-	-	-
2004	-	-	-	-
2005	1	1	-	1
2006	-	-	-	-
2007	-	-	-	-
2008	2	2	2	-

ACCUSED AND FOUND GUILTY LEGAL AND RESPONSIBLE
PERSONS - INFRINGEMENT OF
THE PATENT AND TECHNICAL IMPROVEMENTS PROVISIONS, 2000 -
2008



8. ADMINISTRATIVE COURT AND COMERCIAL COURTS – DATA ON NUMBER OF THE CASES AND MANNER OF PROCESSING

In 2008, the Administrative Court of the Republic of Croatia issued 13 decisions in administrative disputes relating to the infringements of the trademarks provisions (in 9 procedures a legal action was refused, in 2 cases the procedure was suspended, 1 legal action was rejected, and 1 legal action was accepted). Out of 7 cases relating to the infringement of the industrial designs provisions, four cases were closed (one legal action was refused, one accepted and concerning two cases the procedure was suspended).

In 2008, commercial courts closed a total number of 1 671 cases. The High Commercial Court closed 484 cases.

The data on the number of cases received by commercial courts in 2008, show that the majority of cases were received by the Commercial Court in Zagreb (599), and the Commercial Court in Rijeka (277 cases).

TABLE 8.1.

PERIOD 01. 01. 2008 - 31. 12. 2008								
TYPE OF DISPUTE	PENDING at the beginning of the period	RECEIVED	TYPES OF DECISIONS					PENDING at the end of the period
			ACCEPTED	REFUSED	SUSPENSION	REJECTION	TOTAL	
TRADEMARKS	104	73	1	9	2	1	13	164
PATENTS	7	4	0	0	0	0	0	11
INDUSTRIAL DESIGNS	2	5	1	1	2	0	4	3

Table 8.2.
CASES BEFORE COMMERCIAL COURTS
(1.1.2008.-31.12.2008.)

COMMERCIAL COURT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	NUMBER OF CASES CLOSED											NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD
			TOTAL	JUDGMENT BASED ON HEARING	JUDGMENT BY CONFESSION	JUDGMENT BY DEFAULT	JUDGMENT BY ABSENCE	JUDGMENT WITHOUT HEARING	JUDGMENT BASED ON WAIVER	SETTLEMENT	REJECTION	REFERRAL TO ANOTHER COURT	OTHERWISE	
Zagreb	690	599	813	220	4	426	23	2	0	15	2	3	118	476
%			100	27,1	0,5	52,4	2,8	0,2	0,0	1,8	0,2	0,4	14,5	
Rijeka	151	277	177	12	2	103	0	0	0	0	0	2	58	251
%			100	6,8	1,1	58,2	0,0	0,0	0,0	0,0	0,0	1,1	32,8	
Split	443	227	469	42	11	265	0	0	53	1	0	0	97	201
%			100	9,0	2,3	56,5	0,0	0,0	11,3	0,2	0,0	0,0	20,7	
Osijek	42	187	212	80	0	46	52	0	1	0	0	0	33	17
%			100	37,7	0,0	21,7	24,5	0,0	0,5	0,0	0,0	0,0	15,6	

**Table 8.3
 CASES BEFORE THE HIGH COMMERCIAL COURT (1.1.2008.-
 31.12.2008.)**

THE HIGH COMMERCIAL COURT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	NUMBER OF CASES CLOSED								NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD
			TOTAL	CONFIRMED	MODIFIED	JUDGEMENT ABOLISHED		REJECTION	DISCONTINUATION	OTHERWISE	
						VIOLATION OF PROCEDURAL RULES	FACTUAL SITUATION ESTABLISHED INCORRECTLY AND INSUFFICIENTLY				
	460	435	484	388	11	53	1	22	0	0	411
			100	80,2	2,3	11,0	0,2	4,5	0,0	0,0	

9. DURATION OF THE PROCEDURE BEFORE COURTS

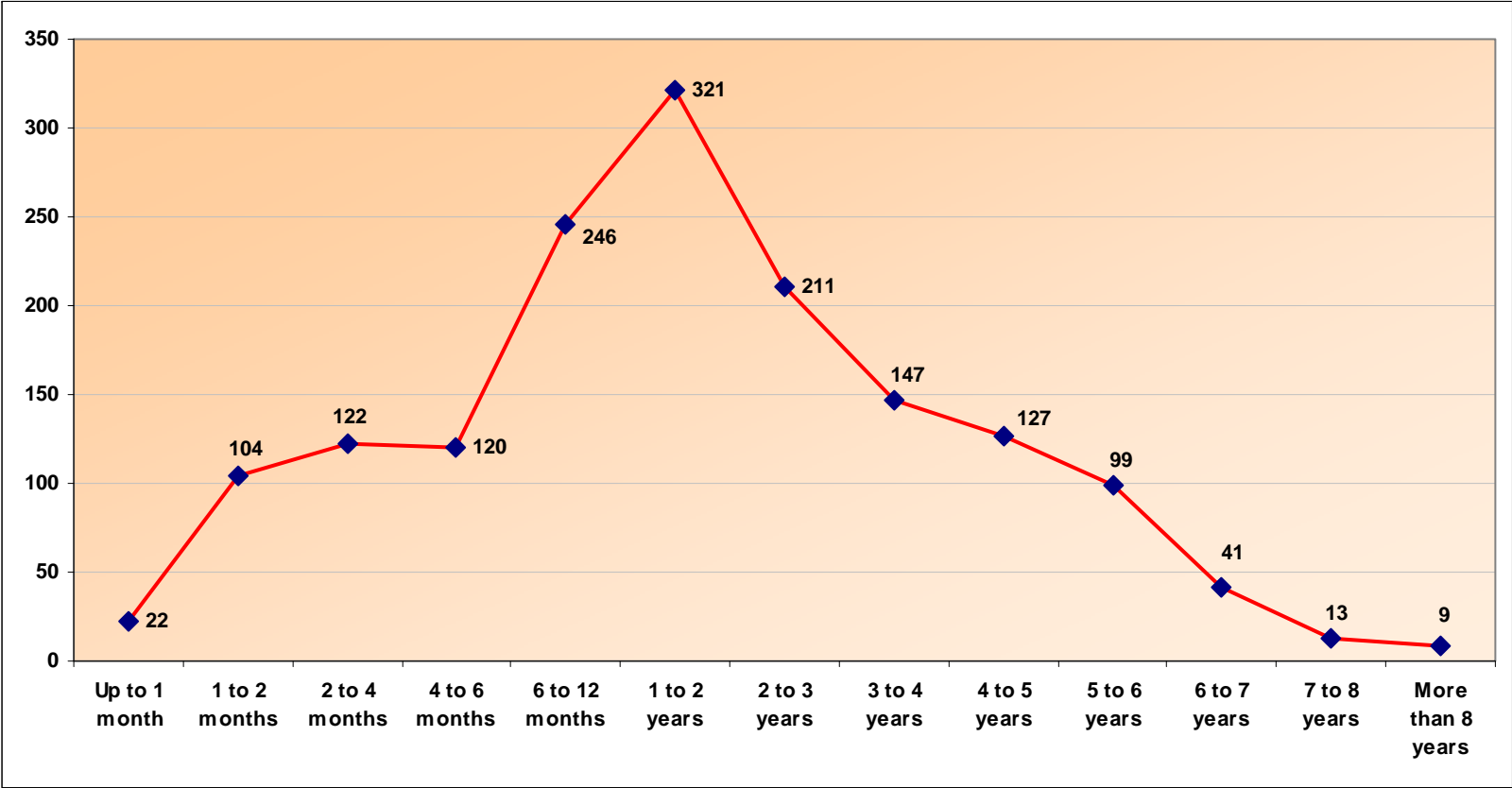
9.1. DURATION OF PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION

Table 9.1.

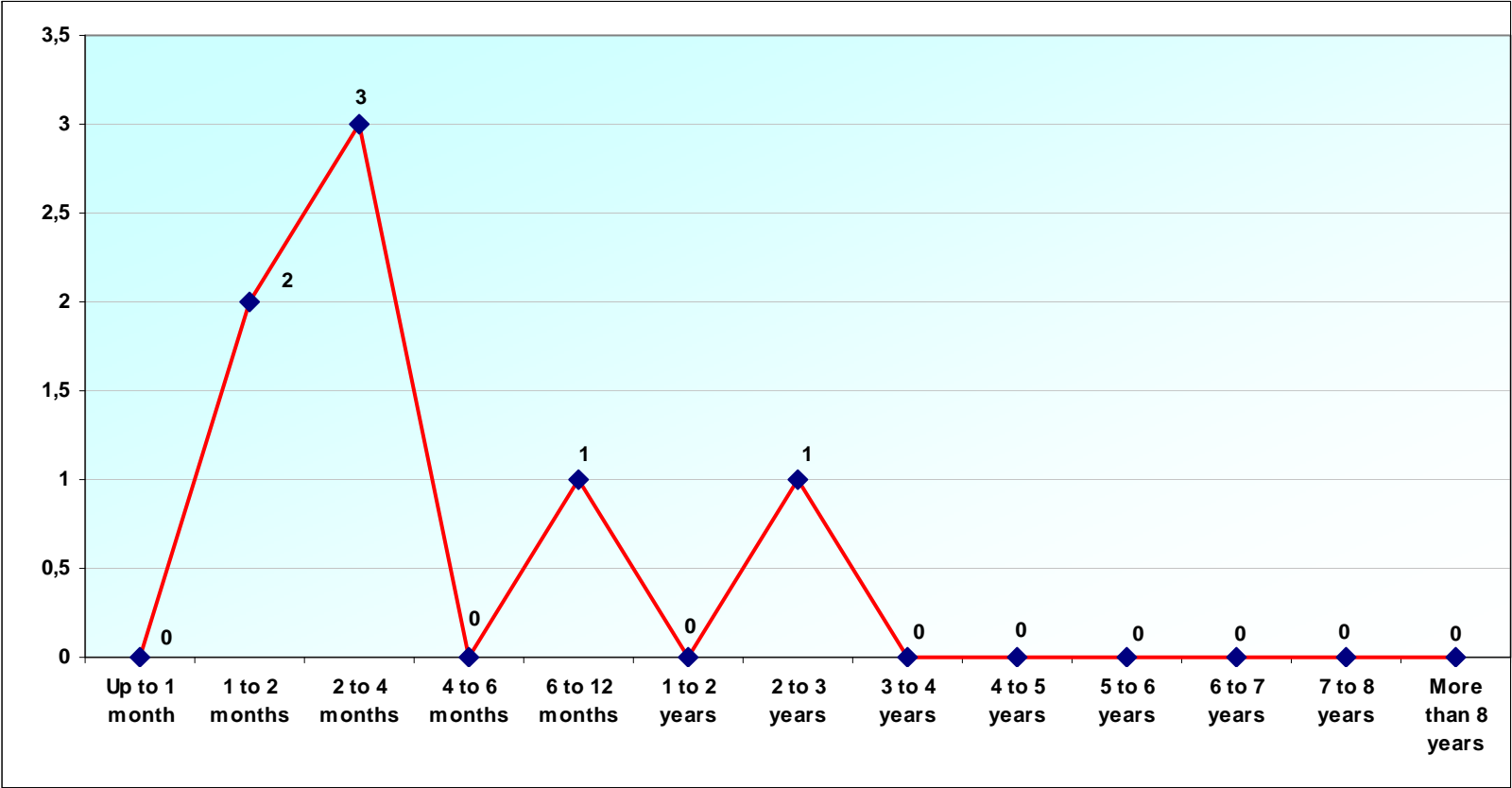
DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008

CRIMINAL OFFENCES	TOTAL	Up to 1 month	1 to 2 months	2 to 4 months	4 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	5 to 6 years	6 to 7 years	7 to 8 years	More than 8 years
Infringements of the rights of authors or of the rights of performers, Art.229 CC	12	-	-	-	2	-	3	3	1	1	1	-	-	1
%	100				16,7	-	25,0	25,0	8,3	8,3	8,3	-	-	8,3
Unauthorized use of an author's work or of a performer's performance, Art.230 CC	1523	21	98	119	114	241	310	198	139	123	98	41	13	8
%	100	1,4	6,4	7,8	7,5	15,8	20,4	13,0	9,1	8,1	6,4	2,7	0,9	0,5
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC	47	1	6	3	4	5	8	10	7	3	-	-	-	-
%	100	2,1	12,8	6,4	8,5	10,6	17,0	21,3	14,9	6,4				
Infringement of the right conferred by an invention applied for or protected, Art.232 CC	7	-	2	3	-	1	-	1	-	-	-	-	-	-
%	100		28,6	42,9	-	14,3	-	14,3						
Infringement of the industrial property rights and un authorized use of somebody else's firm, Art.285 CC	338	5	17	59	53	61	48	25	15	14	7	5	-	2
%	100	1,5	5,0	17,5	15,7	18,0	14,2	7,4	4,4	4,1	2,1	1,5	-	0,6

DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008 - COPYRIGHT



DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008 – INFRINGEMENT OF THE RIGHT CONFERRED BY AN INVENTION APPLIED FOR OR PROTECTED, ART. 232 CC



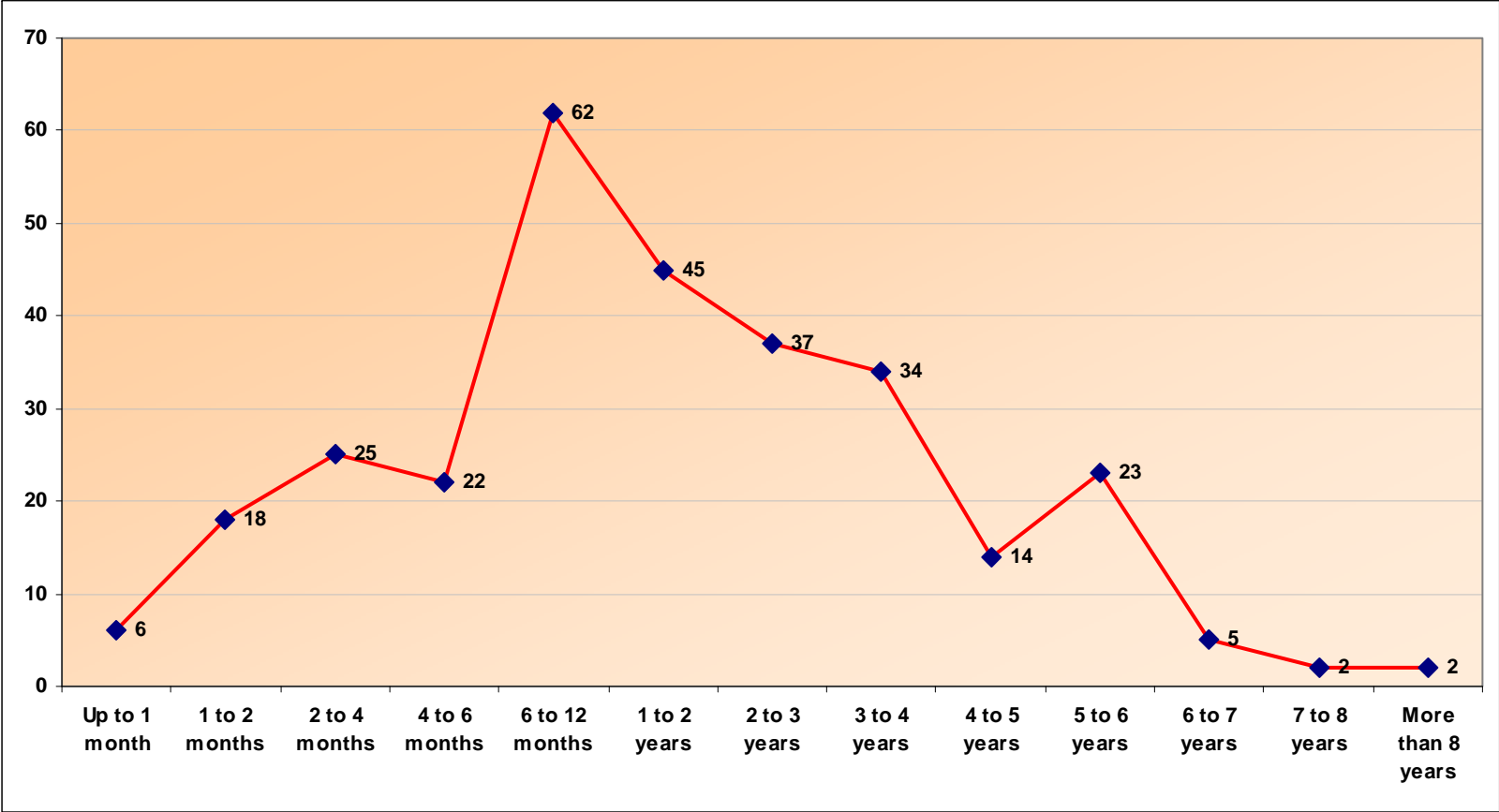
**DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008 -
Infringement of the industrial property rights and unauthorised use of somebody else's firm, Art.285 CC**



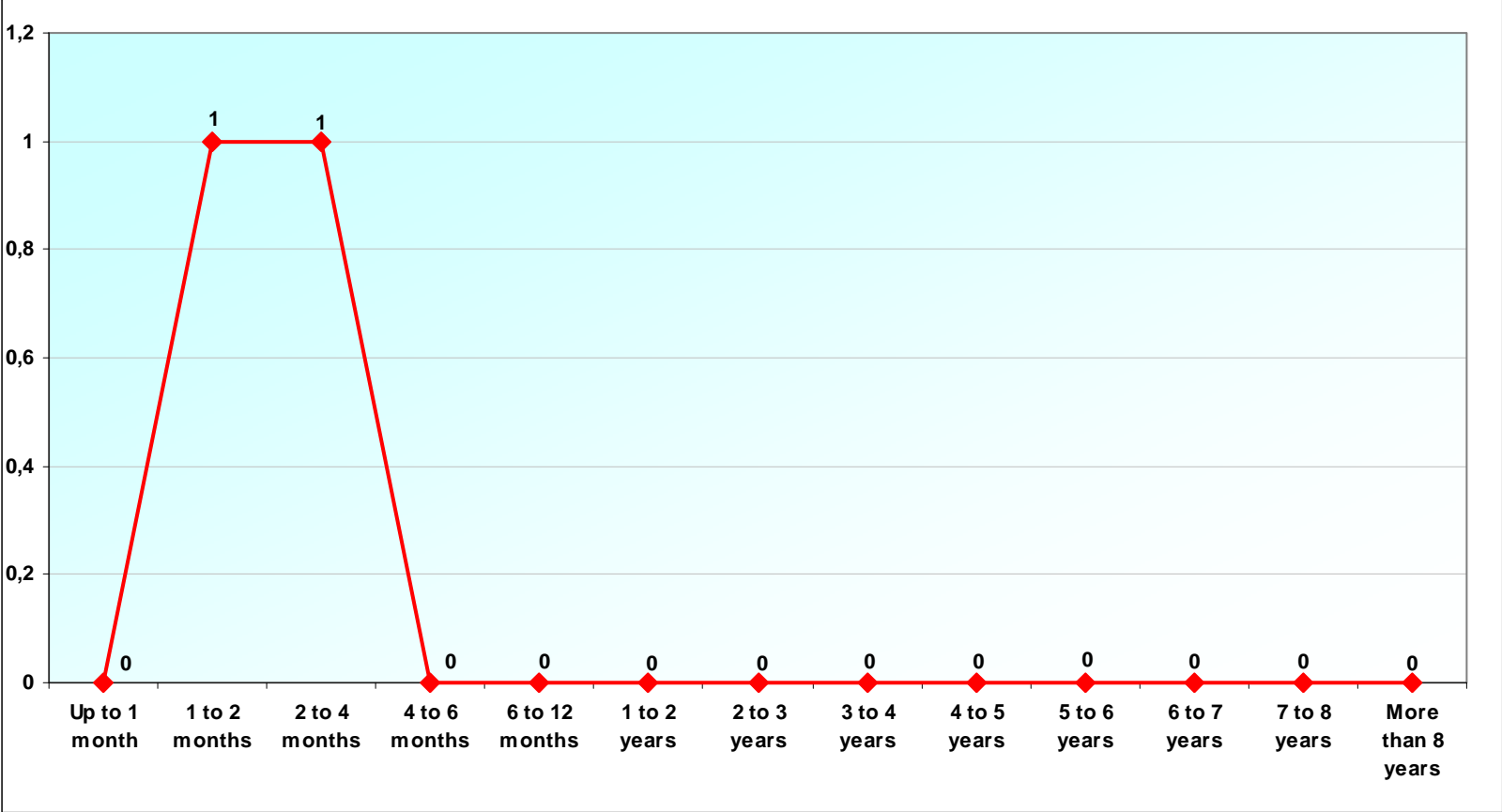
Table 9.2.**DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION IN 2008**

CRIMINAL OFFENCES	TOTAL	Up to 1 month	1 to 2 months	2 to 4 months	4 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	5 to 6 years	6 to 7 years	7 to 8 years	More than 8 years
Infringements of the rights of authors or of the rights of performers, Art.229 CC	2				1						1			
%	100				50						50			
Unauthorized use of an author's work or of a performer's performance, Art.230 CC	280	6	18	25	21	61	42	33	31	12	22	5	2	2
%	100	2,1	6,4	8,9	7,5	21,8	15,0	11,8	11,1	4,3	7,9	1,8	0,7	0,7
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC	13					1	3	4	3	2				
%	100					7,7	23,1	30,8	23,1	15,4				
Infringement of the right conferred by an invention applied for or protected, Art.232 CC	2		1	1										
%	100		50	50										
Infringement of the industrial property rights and an unauthorized use of somebody else's firm, Art.285 CC	92	2	5	14	8	18	27	6	2	6		3		1
%	100	2,2	5,4	15,2	8,7	19,6	29,3	6,5	2,2	6,5		3,3		1,1

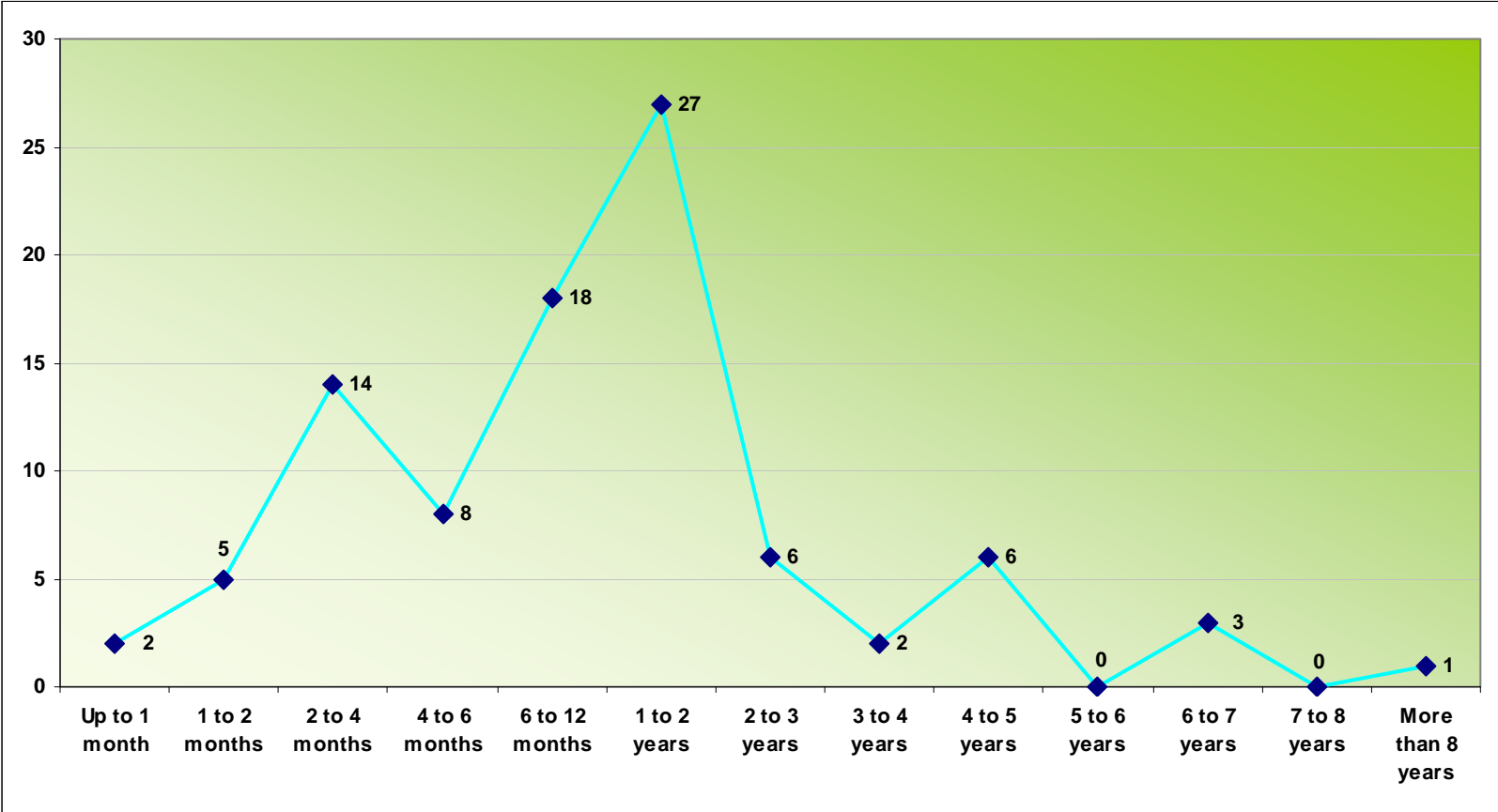
DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION IN 2008 - COPYRIGHT



DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION IN 2008 - INFRINGEMENT OF THE RIGHT CONFERRED BY AN INVENTION APPLIED FOR OR PROTECTED, ART.232 CC



DURATION OF THE PROCEDURE FROM FILING OF A CRIMINAL OFFENCE REPORT TO THE FINAL COURT DECISION IN 2008 INFRINGEMENT OF THE INDUSTRIAL PROPERTY RIGHTS AND UN UNAUTHORIZED USE OF SOMEBODY ELSE'S FIRM, ART.285 CC

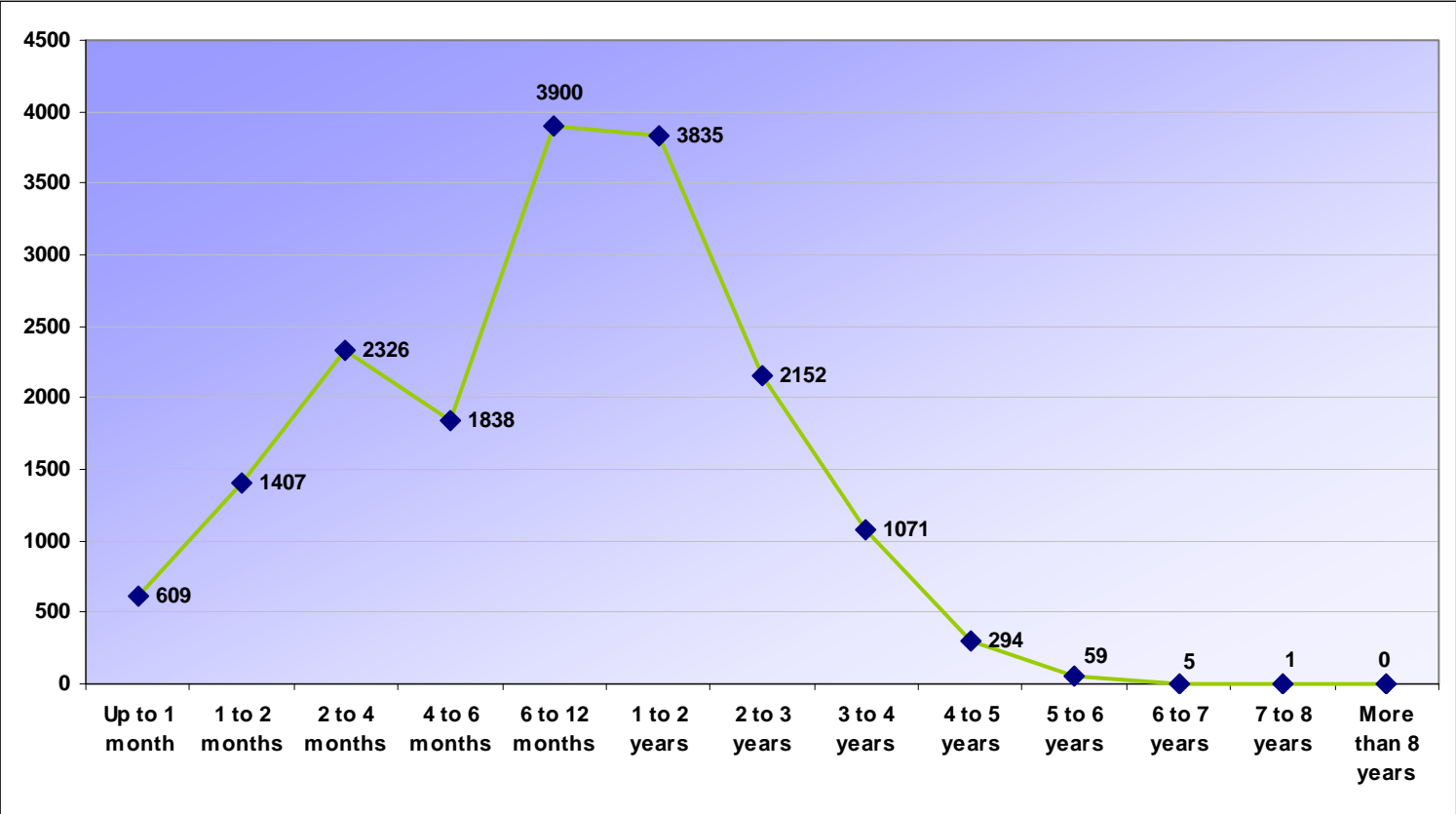


9.2. DURATION OF PROCEDURE FROM FILING OF A MISDEMEANOR REPORT TO THE FINAL COURT DECISION

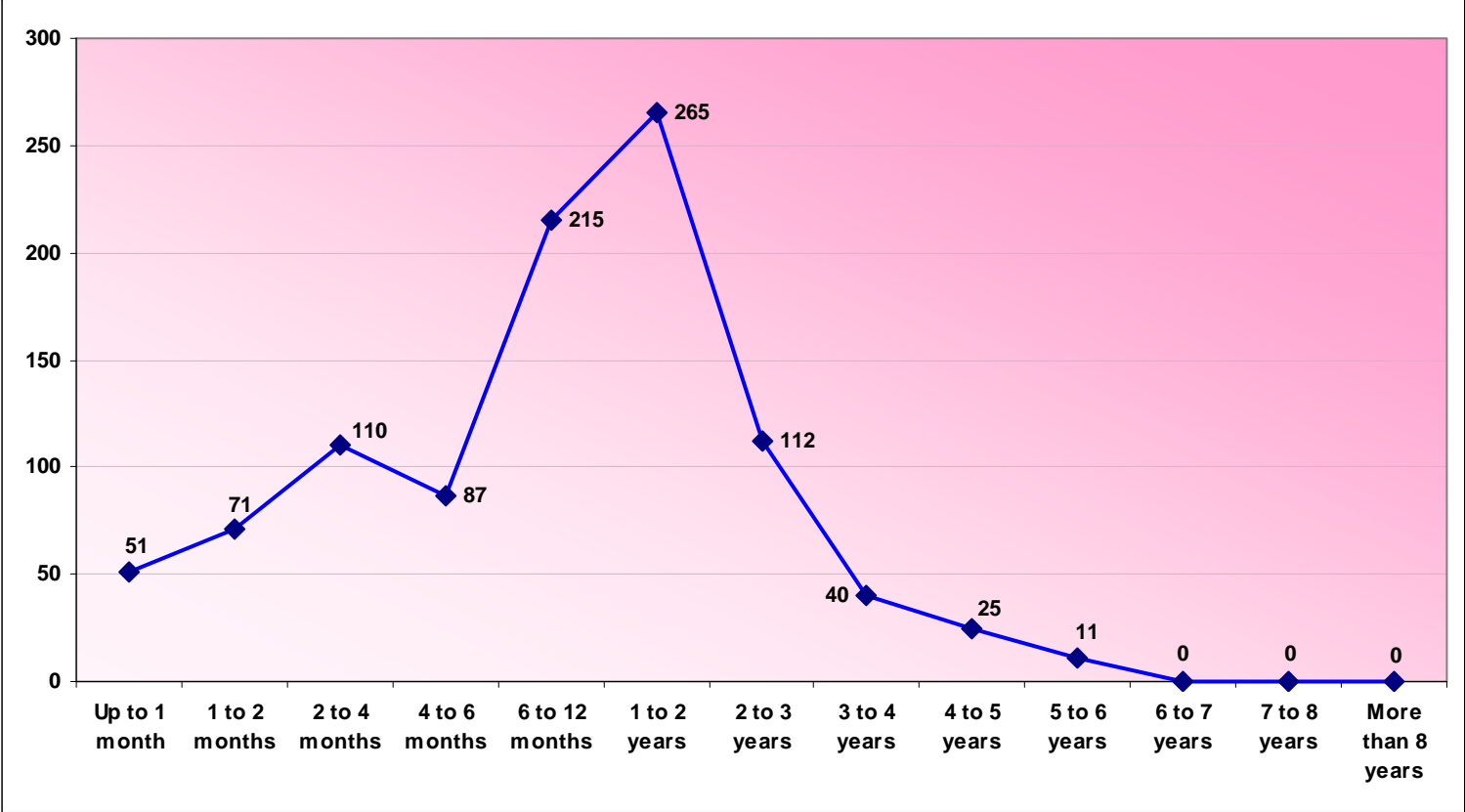
Table 9.3.
DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008.

CRIMINAL OFFENCES	TOTAL	Up to 1 month	1 to 2 months	2 to 4 months	4 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	5 to 6 years	6 to 7 years	7 to 8 years	More than 8 years
Infringement of the copyright provisions	16554	609	1407	2326	1838	3900	3835	2152	1071	294	59	5	1	-
%	100	3,7	8,5	14,1	11,1	23,6	23,2	13,0	6,5	1,8	0,4	0,0	0,0	-
Infringement of the trademarks and other indications provisions	987	51	71	110	87	215	265	112	40	25	11	-	-	-
%	100	5,2	7,2	11,1	8,8	21,8	26,8	11,3	4,1	2,5	1,1			
Infringement of the patent and technical improvements provisions	11	-	-	2	3	1	4	1	-	-	-	-	-	-
%	100	-	-	18,2	27,3	9,1	36,4	9,1	-	-	-	-	-	-

DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008 - COPYRIGHT



**DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008
INFRINGEMENT OF THE TRADEMARKS AND OTHER INDICATIONS PROVISIONS**



**DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION FROM 2004 TO 2008
INFRINGEMENT OF THE PATENT AND TECHNICAL IMPROVEMENTS PROVISIONS**

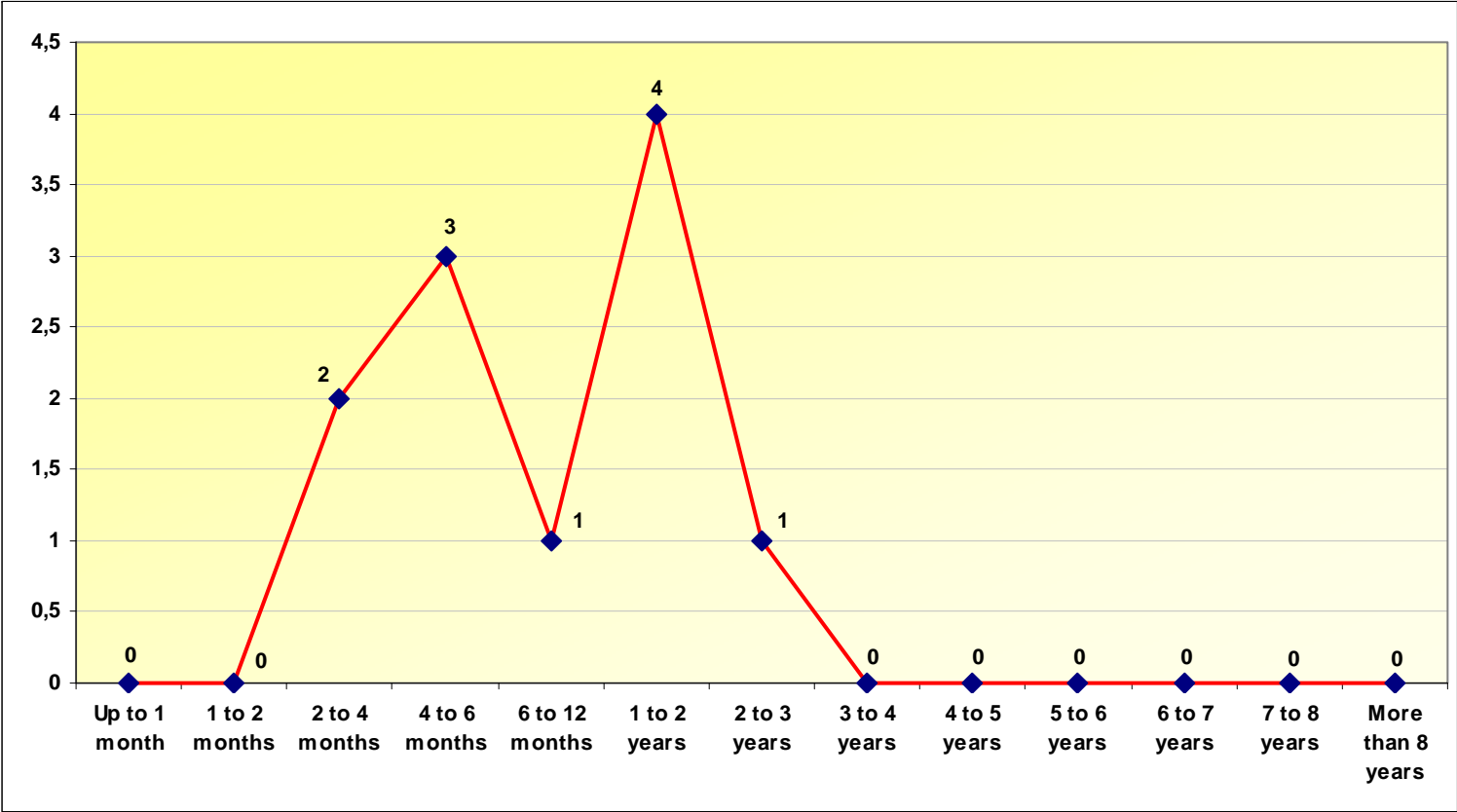
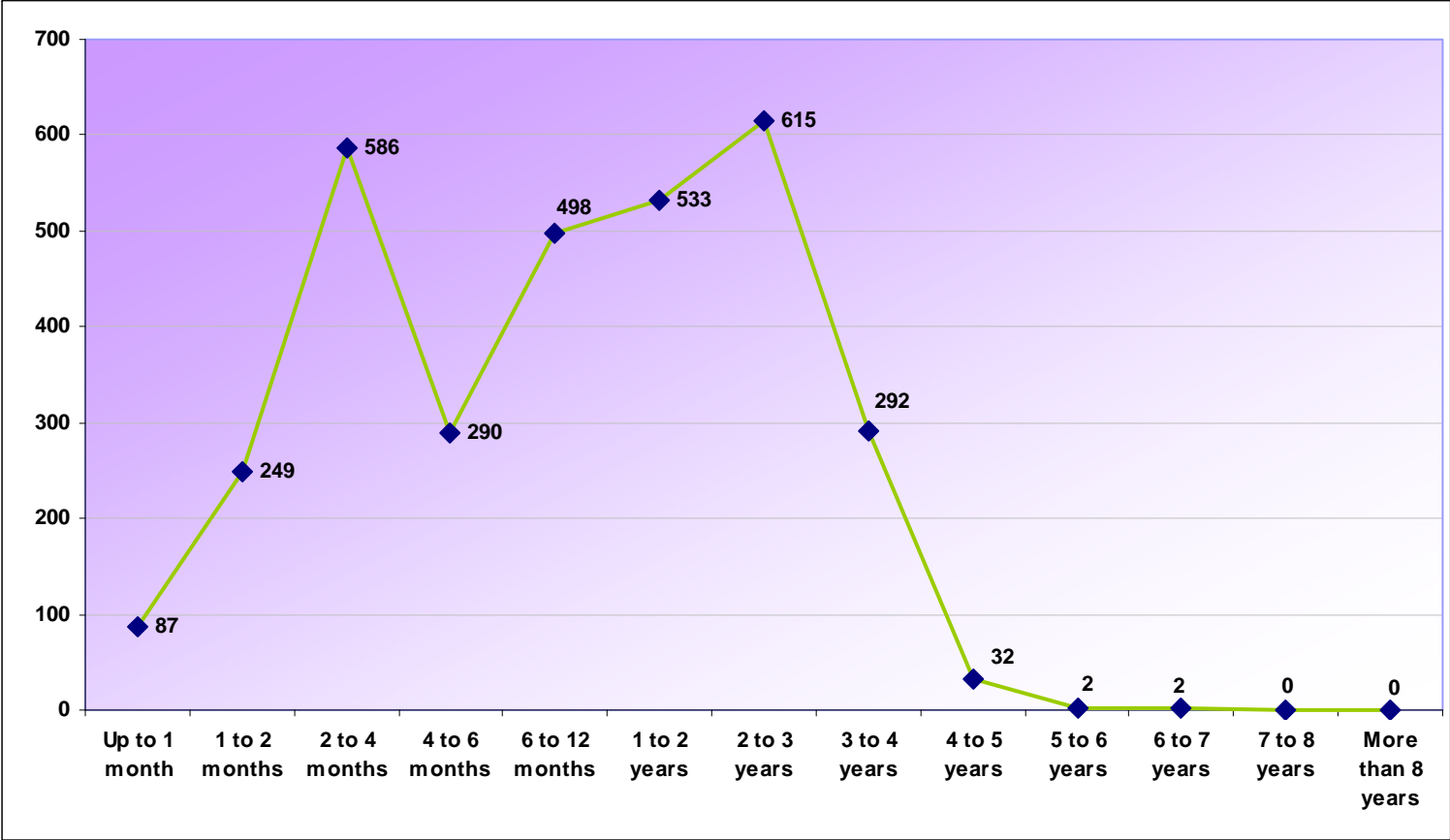


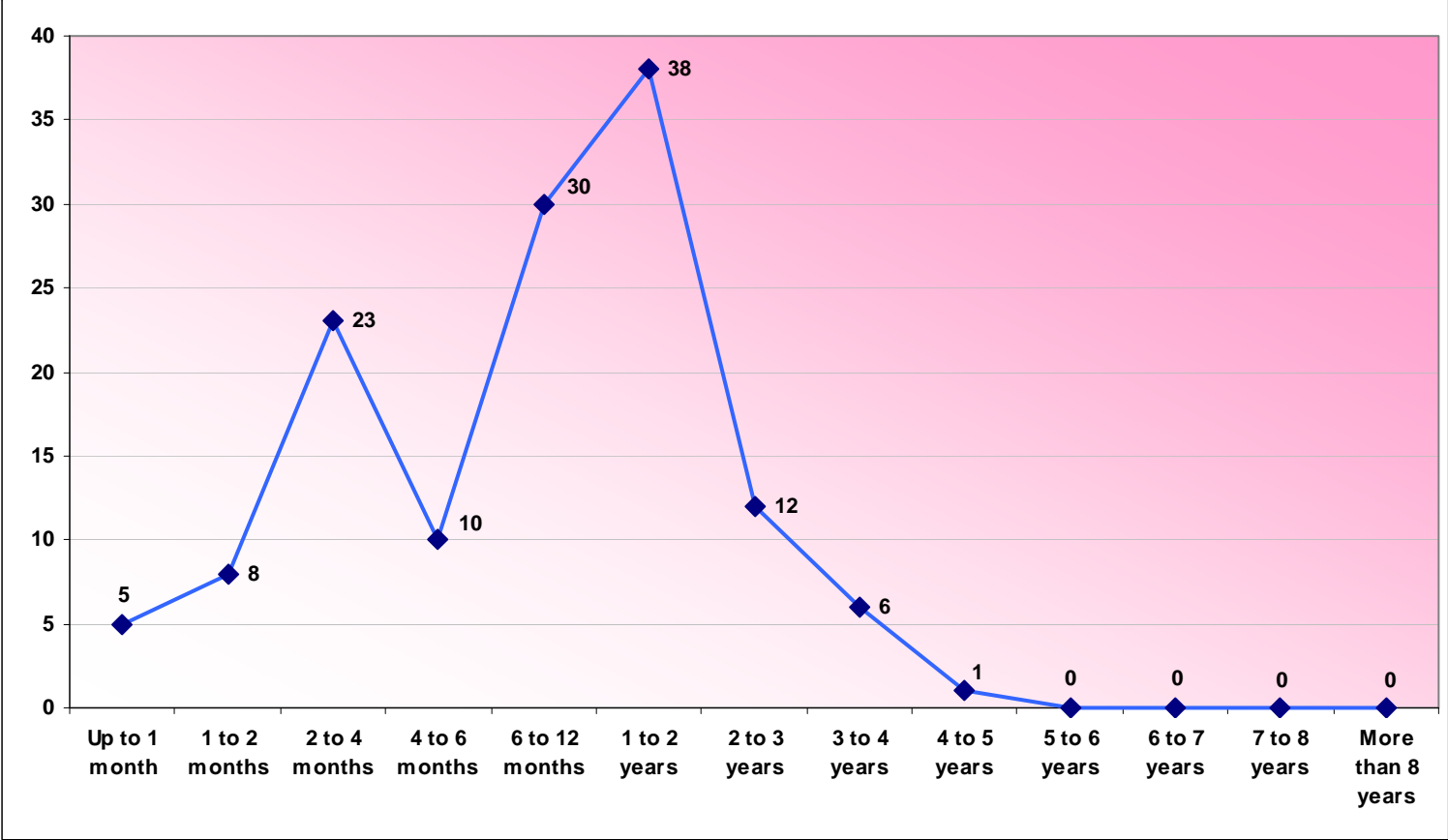
Table 9.4.
DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION IN
2008

CRIMINAL OFFENCES	TOTAL	Up to 1 month	1 to 2 months	2 to 4 months	4 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	5 to 6 years	6 to 7 years	7 to 8 years	More than 8 years
Infringement of the copyright provisions	3186	87	249	586	290	498	533	615	292	32	2	2	-	-
%	100	2,7	7,8	18,4	9,1	15,6	16,7	19,3	9,2	1,0	0,1	0,1	-	-
Infringement of the trademarks and other indications provisions	133	5	8	23	10	30	38	12	6	1	-	-	-	-
%	100	3,8	6,0	17,3	7,5	22,6	28,6	9,0	4,5	0,8	-	-	-	-
Infringement of the patent and technical improvements provisions	1	-	-	-	1	-	-	-	-	-	-	-	-	-
%	100	-	-	-	100	-	-	-	-	-	-	-	-	-

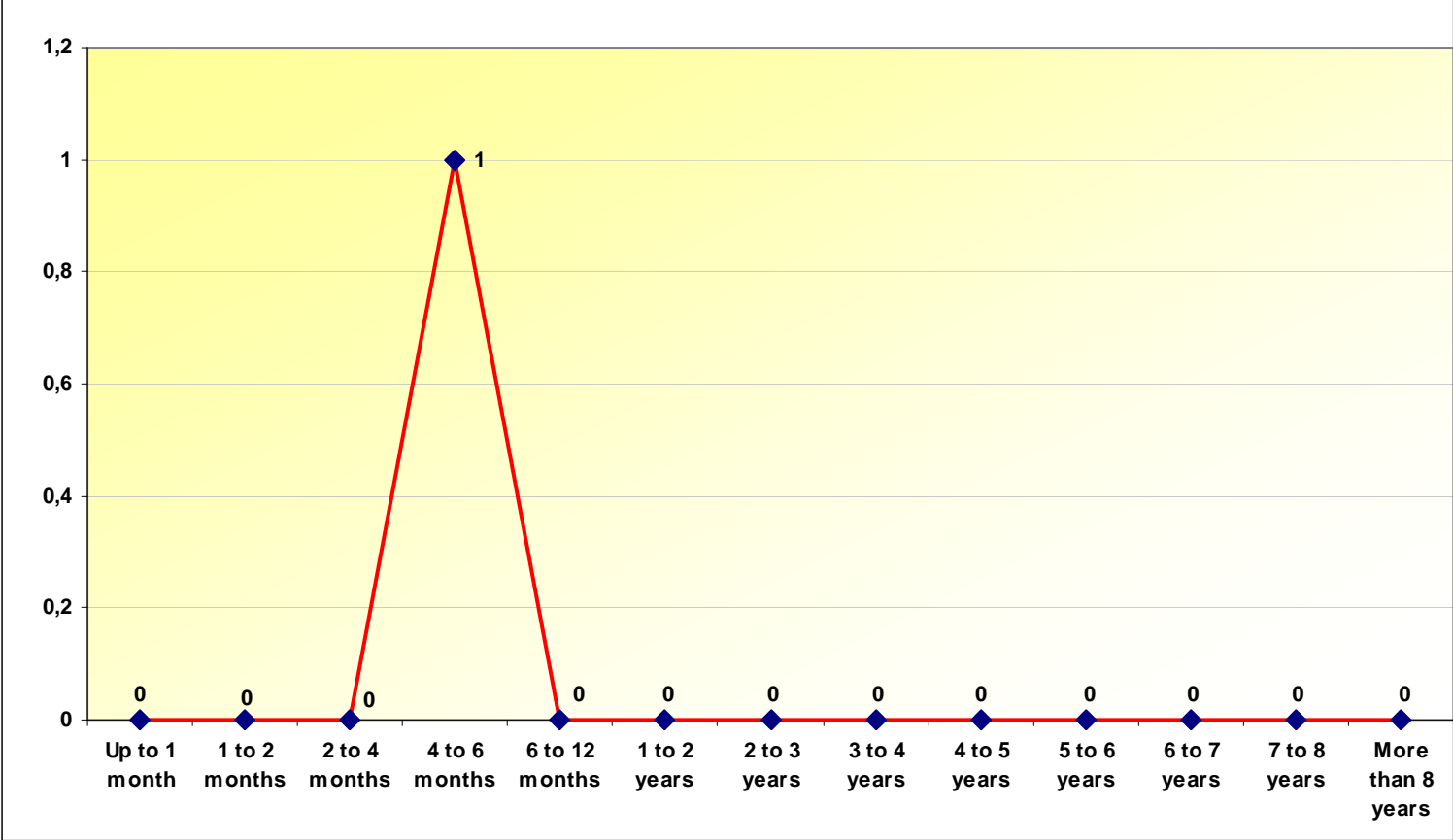
DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION IN 2008 - COPYRIGHT



DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION IN 2008 INFRINGEMENT OF THE TRADEMARKS AND OTHER INDICATIONS PROVISIONS



DURATION OF THE PROCEDURE FROM FILING OF A MISDEMEANOUR REPORT TO THE FINAL COURT DECISION IN 2008 INFRINGEMENT OF THE PATENT AND TECHNICAL IMPROVEMENTS PROVISIONS



9.3. DURATION OF THE PROCEDURE BEFORE COMMERCIAL COURTS

Table 9.5.

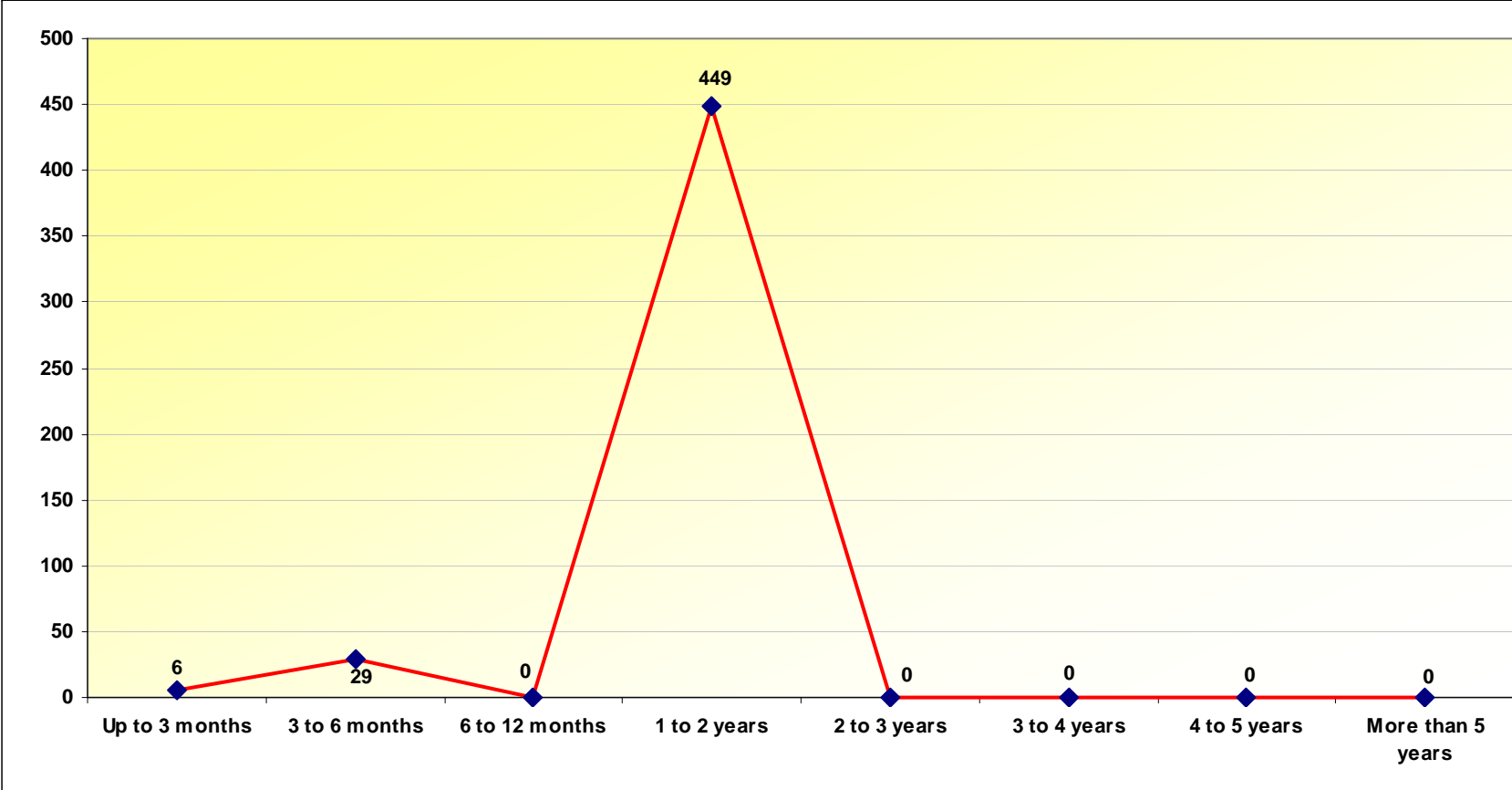
DURATION OF THE PROCEDURE BEFORE COMMERCIAL COURTS IN 2008

	TOTAL	Up to 3 months	3 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	More than 5 years
COMMERCIAL COURTS	1671	-	795	387	489	-	-	-	-
%	100	-	47,6	23,2	29,3	-	-	-	-
HIGH COMMERCIAL COURT	484	6	29	-	449	-	-	-	-
%	100	1,2	6,0	-	92,8	-	-	-	-

DURATION OF THE PROCEDURE BEFORE COMMERCIAL COURTS IN 2008



DURATION OF THE PROCEDURE BEFORE HIGH COMMERCIAL COURTS IN 2008



9.4. DURATION OF THE PROCEDURE BEFORE ADMINISTRATIVE COURT

Table 9.6.

DURATION OF THE PROCEDURE BEFORE THE ADMINISTRATIVE COURT IN 2008

	TOTAL	Up to 3 months	3 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	More than 5 years
ADMINISTRATIVE COURT	863	-	-	507	5	8	-	-	-
%	100	-	-	58,7	0,6	0,9	-	-	-