

**STATE INTELLECTUAL PROPERTY OFFICE
OF THE REPUBLIC OF CROATIA**

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

Annual report 2009

Zagreb, March 2010

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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 2009.

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 2005 to 2009. 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. Since 01.01.2009, the Customs Administration has not monitored the value of the goods as declared, but has monitored the amount of damage that would be suffered by the right holder if such goods were released into free circulation, representing a retail price of such original goods on the domestic market, expressed in euros.

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 2005 to 2009.

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 2009.

**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 2000 – 2009

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	43	14	43	19	0	2	16	5	17	6	8	2	1	6	0	2	4	0
Unauthorized use of an author's work or of a performer's performance, Art.230	3.288	2.863	3.288	454	0	0	2.704	125	3.043	2.425	270	178	170	2.425	22	1.125	1.213	65
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231	87	87	87	10	0	0	71	6	77	55	13	3	6	55	0	23	32	0
Infringement of the right conferred by an invention applied for or protected, Art.232	28	6	28	23	0	0	5	0	12	8	3	0	1	8	0	4	2	2
Infringement of the industrial property rights and an unauthorized use of somebody else's firm, Art.285	585	583	585	101	0	2	464	18	562	476	33	28	25	476	5	183	286	2

COMPREHENSIVE COURSE OF THE CRIMINAL PROCEDURE FROM A CRIME REPORT TO THE COURT DECISION FOR A PERIOD COVERING 2000 – 2009

In the period under review 43 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 19 persons, the investigation was suspended in 2 cases, and 16 persons were accused. 5 reports were filed against unknown committers. 6 committers were found guilty, the criminal procedure against 8 persons was suspended, acquittal was pronounced in 2 cases and refusal was pronounced in 1 case. As regards the types of the sanctions as imposed, a fine was imposed on 4 committers, and a conditional imprisonment on 2 committers.

In the same period 3288 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 454 persons, the investigation was suspended in three cases, and 2704 reported persons were accused. 125 reports were filed against unknown committers. 2425 committers were found guilty, the criminal procedure against 270 persons was suspended, 178 acquittals and 170 refusals were pronounced. As regards the types of the sanctions as imposed, unconditional imprisonment was imposed on 22 persons, conditional imprisonment on 1125 persons, and a fine on 1213 persons. Other sanctions were imposed in 65 cases.

Furthermore, in the same period 87 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 10 persons, and 71 reported persons were accused. 6 reports were filed against unknown committers. 55 persons were convicted, the criminal procedure was suspended in 13 cases, acquittal was pronounced in 3 cases and refusal in 6 cases. As regards the

¹ Criminal code

types of the sanctions as imposed conditional imprisonment on 23 persons, and a fine on 32 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. 8 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 2 persons. Other sanctions were imposed on 2 persons.

585 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 101 persons, the criminal procedure was suspended in 2 cases, and 464 persons were accused. 16 reports were filed against unknown committers. 476 persons were found guilty, and the criminal procedure was suspended in 33 cases. Acquittal was pronounced in 28 cases, and refusal in 25 cases. As regards the types of the sanctions as imposed, unconditional imprisonment was imposed on 5 persons, conditional imprisonment on 183 persons and a fine on 286 persons. Other sanctions were imposed on 2 persons.

Table 2.2.
Misdemeanour protection - a comprehensive course of the misdemeanour procedures, 2000 - 2009

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")	37.164	37.164	20.661	20.661	7	18.741	1.913	13.284	13.284	3.891	3.891	3.151	740
Infringement of the provisions on trademarks and other indications	2.686	2.686	1.995	1.995	0	1.685	310	2.288	2.288	1.188	1.186	906	280
Infringement of the patent and technical improvements provisions	88	88	69	69	0	60	9	68	68	41	41	37	4

MISDEMEANOUR PROTECTION – COMPREHENSIVE COURSE OF THE MISDEMEANOUR PROCEDURE IN THE PERIOD COVERING 2000 – 2009

In the period under review, 37164 misdemeanour reports were filed against natural persons for the infringement of the copyright provisions. In the same period 13284 reports were filed against legal and responsible persons for the infringement of the mentioned provisions. 20661 natural persons and 3891 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 18741, and reprimand or admonition, respectively on 1913 persons. Fines were imposed on 3151 legal and responsible persons, and reprimands or admonitions on 740.

In the same period, 2686 misdemeanour reports were filed against natural persons for the infringement of the provisions on trademarks and other indications. 2288 reports were filed against legal and responsible persons for the infringement of the mentioned provisions. 1 995 natural persons and 1188 legal and responsible persons were found guilty for the commitment of the mentioned misdemeanours, so a fine was imposed on 1688 committers – natural persons, and reprimand or admonition, respectively, on 310 persons. A fine was imposed on 1186 legal and responsible persons, and reprimand or admonition, respectively, on 280.

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 41 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
- the types of seized products 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
- the types of the seized products and their value expressed in euros. Since 01.01.2009, the Customs Administration has not monitored the value of the goods as declared, but has monitored the amount of damage that would be suffered by the right holder if such goods were released into free circulation, representing a retail price of such original goods on the domestic market, expressed in euros. For this reasons comparison with earlier mentioned data will not be possible.

In the period under observation covering the years from 2005 to 2009, the Customs Administration initiated 897 procedures for the infringement of intellectual property rights. Out of the total number of procedures as initiated, 33% of them were initiated in 2009. 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, 225 procedures for the infringement of the trademarks provisions were instituted in 2008. 24 procedures were instituted ex officio, and 201 procedures were instituted upon a request of the right holder. In 2009, the number of the procedures as instituted increased (300), out of which 144 procedures were instituted ex officio, and 156 were instituted upon a request of the right holder.

Taking account of the total number of the procedures as instituted (897), in 468 cases decisions on the destruction of goods were issued. In 394 cases the procedure was suspended, and in 27 cases a legal action was instituted.

Statistical data on the number and types of products show that most frequently cigarettes (36,98%), footwear (9,12%) and clothes and clothing accessories (7,38%) were concerned.

Indices show that the number of procedures in 2009 increased in relation to 2008. Furthermore, the number of the procedures in which particular goods were destroyed in 2009 increased in relation to 2008.

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	897	227	670
2005.	42	24	18
2006.	48	6	42
2007.	282	29	253
2008.	225	24	201
2009.	300	144	156

Chart 3.1.
Statistical data on the types of procedures instituted in the cases
of infringements of intellectual property (infringements of the trademark
provisions) – Customs administration

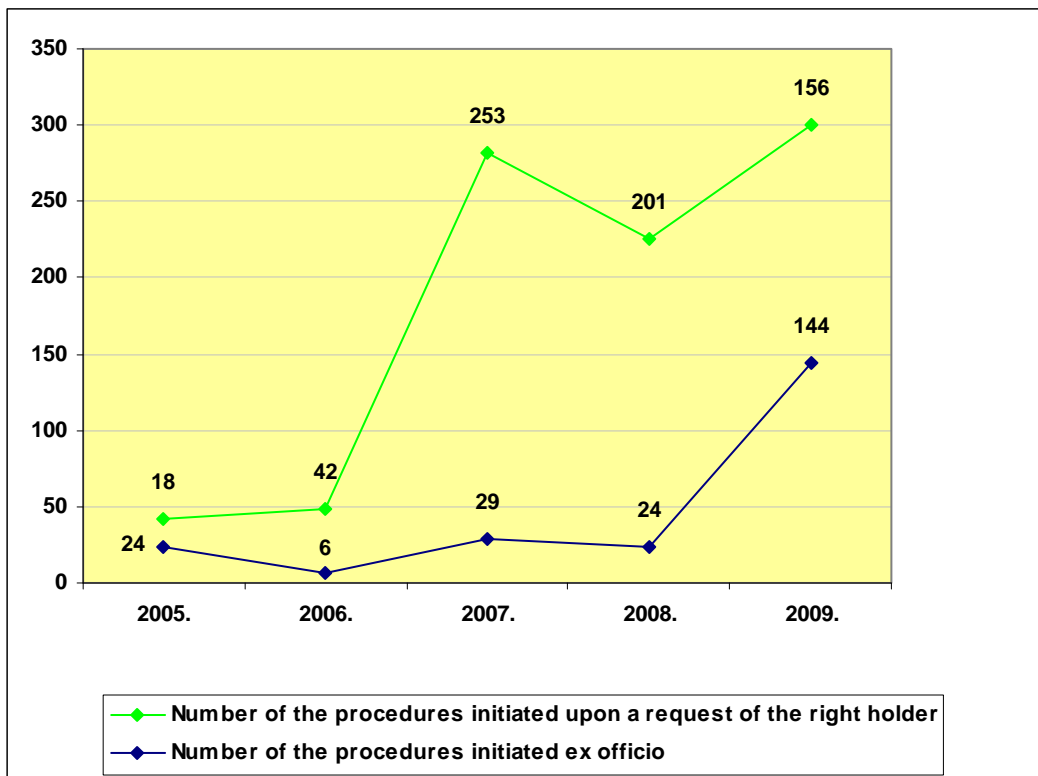


Table 3.2.
Statistical data on the procedures instituted in the cases of infringements of intellectual property – Customs administration

	TOTAL	PROCEDURES		
		Destruction of goods	So-called suspensions	Legal actions before courts
TOTAL	897	468	394	27
2005.	42	9	32	1
2006.	48	21	21	6
2007.	282	151	116	10
2008.	225	141	76	8
2009.*	300*	146	149	2

* On 31.12.2009. three cases were still in procedure

Chart 3.2.
Statistical data on the procedures instituted in the cases of infringements of intellectual property – Customs administration

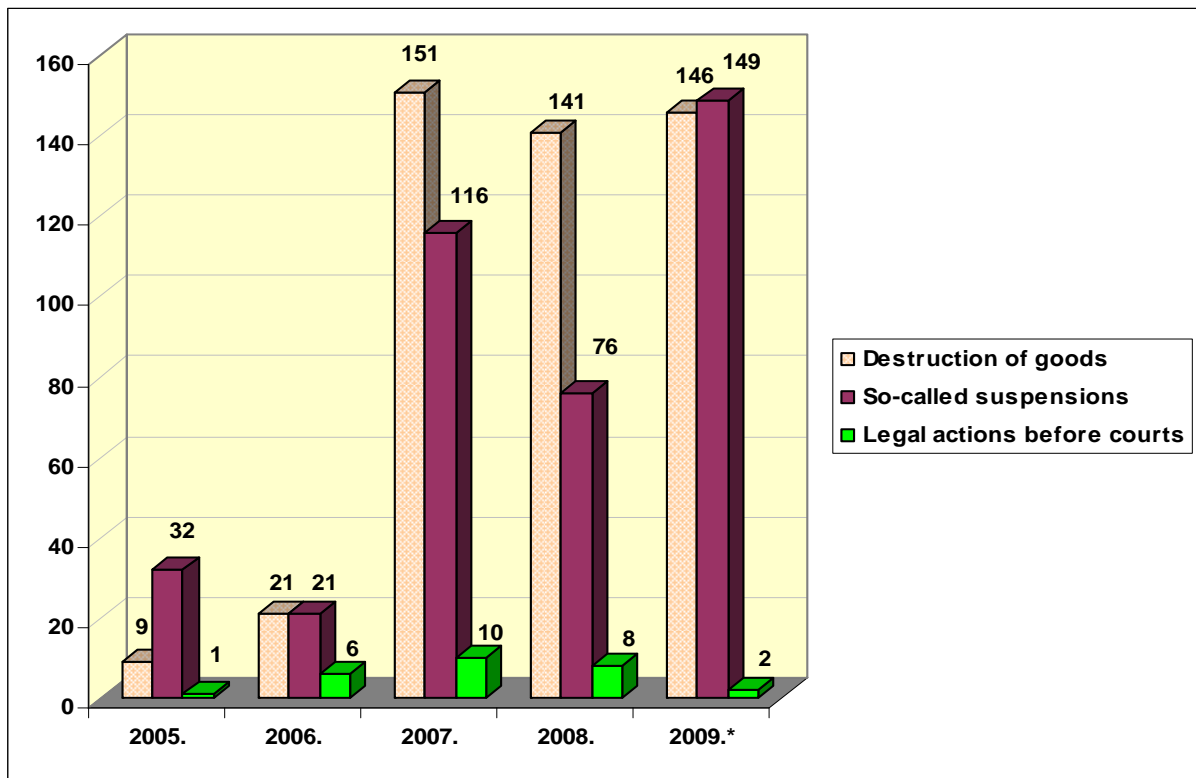


Table 3.3.
Statistical data on the value of goods – Customs administration

	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
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
2009.*	15.365.986,39	13.922.629,03	360.957,36	1.082.400,00

* Since 01.01.2009, the Customs Administration has not monitored the value of the goods as declared, but has monitored the amount of damage that would be suffered by the right holder if such goods were released into free circulation, representing a retail price of such original goods on the domestic market, expressed in euros

Chart 3.3.
Statistical data on the value of goods – Customs administration

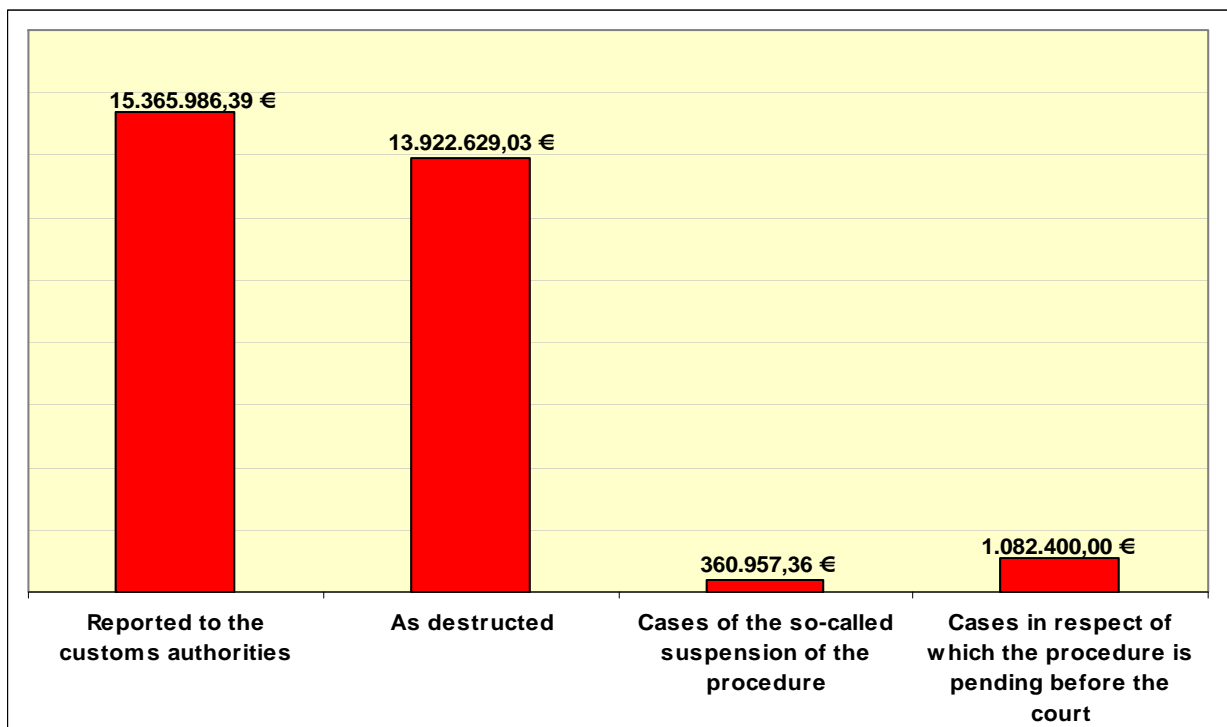


Table 3.4.
Indices - Customs administration (from Table 3.2.)

	<u>2006.</u> 2005.	<u>2007.</u> 2006.	<u>2008.</u> 2007.	<u>2009.</u> 2008.
Procedures	114	588	80	133
Goods destroyed	233	719	93	104
Suspension of the procedure	66	552	65	196
Legal actions before courts	600	167	80	25

Table 3.5.

Data on the number of procedures and seized products with the proportion in the total number according to the type of the seized products in 2009

Type of seized products	Number of procedures	%	Number of seized products	%
1. Foodstuffs, alcoholic and other beverages	2	0,63	11.367	0,92
a) foodstuffs				
b) alcoholic beverages	2	0,63	11.367	0,92
c) other beverages				
2. Body care products	21	6,56	45.892	3,74
a) perfumes and cosmetics	21	6,56	45.892	3,74
b) other products				
3. Clothes and clothing accessories	115	35,94	90.610	7,38
a) clothes	91	28,44	73.686	6,00
b) clothing accessories	24	7,50	16.924	1,38
4. Footwear	25	7,81	111.963	9,12
a) sports footwear	13	4,06	24.761	2,02
b) other footwear	12	3,75	87.202	7,10
5. Personal accessories	62	19,37	27.962	2,28
a) sunglasses and prescription glasses	7	2,19	668	0,05
b) bags	37	11,56	26.984	2,20
c) watches	17	5,31	210	0,02
d) jewellery and other accessories	1	0,31	100	0,01
6. Mobile phones, parts and implements	14	4,38	34.149	2,79
a) mobile phones	2	0,63	12	0,01
b) parts and implements	12	3,75	34.137	2,78
7. Electrical / electronic and computer equipment	14	4,37	2.686	0,21
a) audio/video devices including spare parts and implements				
b) memory cards and sticks	1	0,31	152	0,01
c) toners and inks	9	2,81	599	0,05

d) computer equipment (hardware) including parts and implements	4	1,25	1.935	0,15
8. CDs, DVDs, cassettes and other data carriers	0	0,00	0	0,00
a) recorded (music, film, programs, games)				
b) unrecorded				
9. Toys, games and sports equipment	2	0,63	10.260	0,84
a) toys	2	0,63	10.260	0,84
b) games (including electronic game consoles)				
c) sports equipment (including leisure time equipment)				
10. Tobacco products	3	0,94	454.000	36,98
a) cigarettes	3	0,94	454.000	36,98
b) other tobacco products				
11. Medical products	43	13,43	16.096	1,31
12. Other	19	5,94	422.743	34,43
a) machines and tools				
b) vehicles including parts and implements				
c) office supplies	9	2,81	390.816	31,83
d) lighters				
e) labels, stickers	2	0,63	2.343	0,19
f) textile products				
g) packaging material	6	1,87	17.023	1,39
h) other	2	0,63	12.561	1,02
TOTAL	320	100	1.227.728	100

Chart 3.4.
Proportions in the total number according to the type of the seized products in 2009

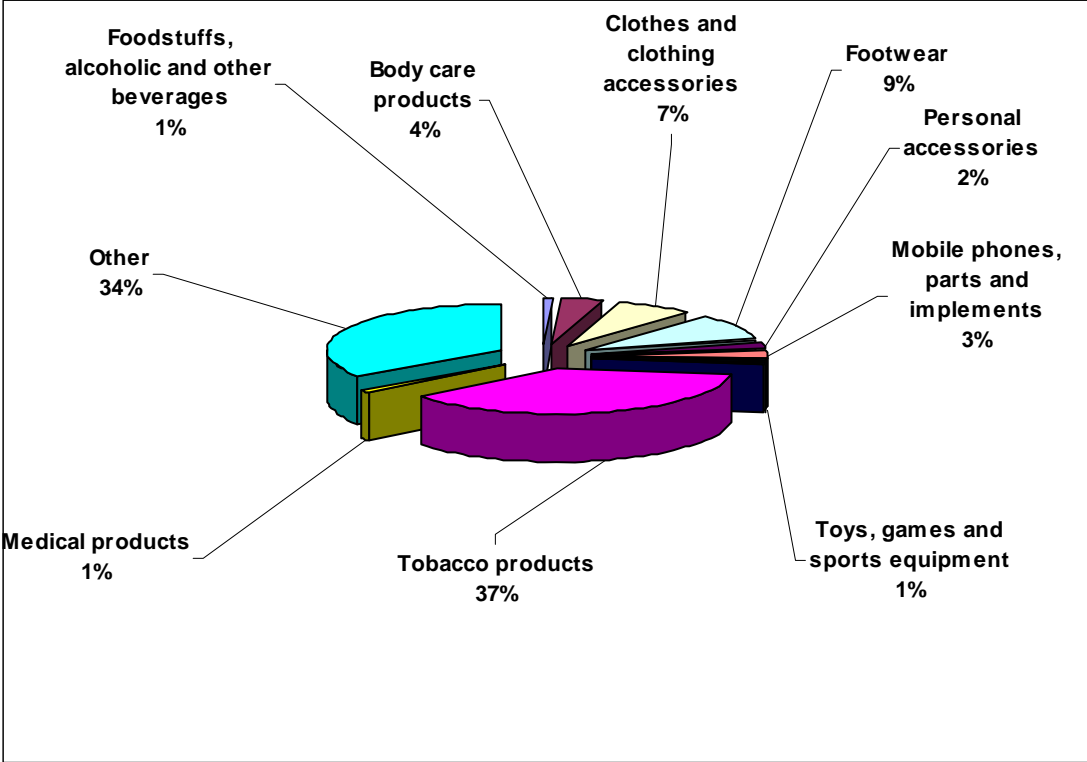


Table 3.6.
Data on the number of procedures according to the types of seized goods,
outcome of the procedure in 2009

Type of seized goods	Goods as seized and destroyed	Action before the court	Suspension of the procedure
1. Foodstuffs, alcoholic and other beverages	0	0	2
a) foodstuffs			
b) alcoholic beverages			2
c) other beverages			
2. Body care products	21	0	0
a) perfumes and cosmetics	21		
b) other products			
3. Clothes and clothing accessories	50	0	65
a) clothes	39		52
b) clothing accessories	11		13
4. Footwear	16	1	8
a) sports footwear	11	1	1
b) other footwear	5		7
5. Personal accessories	35	1	26
a) sunglasses and prescription glasses	2		5
b) bags	22		15
c) watches	10	1	6
d) jewellery and other accessories	1		
6. Mobile phones, parts and implements	5	0	9
a) mobile phones	2		
b) parts and implements	3		9
7. Electrical / electronic and computer equipment	11	0	5

a) audio/video devices including spare parts and implements			
b) memory cards and sticks	1		
c) toners and inks	6		3
d) computer equipment (hardware) including parts and implements	4		2
8. CDs, DVDs, cassettes and other data carriers	0	0	0
a) recorded (music, film, programs, games)			
b) unrecorded			
9. Toys, games and sports equipment	1	0	1
a) toys	1		1
b) games (including electronic game consoles)			
c) sports equipment (including leisure time equipment)			
10. Tobacco products	2	0	1
a) cigarettes	2		1
b) other tobacco products			
11. Medical products	10	0	32
12. Other	6	0	14
a) machines and tools			
b) vehicles including parts and implements			
c) office supplies	3		7
d) lighters			
e) labels, stickers	1		1
f) textile products			
g) packaging material	1		5
h) other	1		1

TOTAL	157	2	163
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* In 32 cases of suspension of the procedure in shipment containing medicines there were no infringement of the rights but goods were not allowed to the recipient. Of these 32 cases, there were 22 cases of smuggling and medicines were destroyed according to the customs regulations. In 10 cases medicines were in postal shipments and the shipments were returned to the sender.

Table 3.7.

Data on the number of the seized products according to the type of goods and the result of procedures in 2009

Type of seized products	Goods as seized and destroyed	Action before the court	Suspension of the procedure
1. Foodstuffs, alcoholic and other beverages	0	0	11.367
a) foodstuffs			
b) alcoholic beverages			11.367
c) other beverages			
2. Body care products	45.892	0	0
a) perfumes and cosmetics	45.892		
b) other products			
3. Clothes and clothing accessories	58.203	0	31.859
a) clothes	44.164		28.974
b) clothing accessories	14.039		2.885
4. Footwear	53.189	9.840	48.934
a) sports footwear	13.721	9.840	1.200
b) other footwear	39.468		47.734
5. Personal accessories	21.153	88	6.721
a) sunglasses and prescription glasses	30		638
b) bags	21.004		5.980
c) watches	19	88	103
d) jewellery and other accessories	100		
6. Mobile phones, parts and implements	14.862	0	19.287
a) mobile phones	12		
b) parts and implements	14.850		19.287
7. Electrical / electronic and computer equipment	2.261	0	425
a) audio/video devices including spare parts and implements			
b) memory cards and sticks	152		

c) toners and inks	329		270
d) computer equipment (hardware) including parts and implements	1.780		155
8. CDs, DVDs, cassettes and other data carriers	0	0	0
a) recorded (music, film, programs, games)			
b) unrecorded			
9. Toys, games and sports equipment	1.080	0	9.180
a) toys	1.080		9.180
b) games (including electronic game consoles)			
c) sports equipment (including leisure time equipment)			
10. Tobacco products	4.000	0	450.000
a) cigarettes	4.000		450.000
b) other tobacco products			
11. Medical products	4.247	0	11.465
12. Other	370.880	0	51.863
a) machines and tools			
b) vehicles including parts and implements			
c) office supplies	360.819		29.997
d) lighters			
e) labels, stickers	1.883		460
f) textile products			
g) packaging material	1.500		15.523
h) other	6.678		5.883
TOTAL	575.767	9.928	641.101

Table 3.8.

Data on the value of seized goods expressed in euros, proportion of the seized types of goods in 2009 – Customs administration

Type of seized products	Value in €	%
1. Foodstuffs, alcoholic and other beverages	87.000,00	0,56
a) foodstuffs		
b) alcoholic beverages	87.000,00	0,56
c) other beverages		
2. Body care products	3.708.689,34	24,13
a) perfumes and cosmetics	3.708.689,34	24,13
b) other products		
3. Clothes and clothing accessories	4.439.136,56	28,89
a) clothes	2.528.022,69	16,45
b) clothing accessories	1.911.113,87	12,44
4. Footwear	3.642.860,07	23,71
a) sports footwear	2.636.590,02	17,16
b) other footwear	1.006.270,05	6,55
5. Personal accessories	2.715.830,16	17,67
a) sunglasses and prescription glasses	8.440,54	0,05
b) bags	2.612.865,08	17,00
c) watches	84.524,54	0,55
d) jewellery and other accessories	10.000,00	0,07
6. Mobile phones, parts and implements	378.678,92	2,47
a) mobile phones	8.698,22	0,06
b) parts and implements	369.980,70	2,41
7. Electrical / electronic and computer equipment	91.650,05	0,60
a) audio/video devices including spare parts and implements		
b) memory cards and sticks	4.104,00	0,03
c) toners and inks	35.306,26	0,23
d) computer equipment (hardware) including parts and implements	52.239,79	0,34

8. CDs, DVDs, cassettes and other data carriers	0,00	0,00
a) recorded (music, film, programs, games)		
b) unrecorded		
9. Toys, games and sports equipment	15.126,42	0,10
a) toys	15.126,42	0,10
b) games (including electronic game consoles)		
c) sports equipment (including leisure time equipment)		
10. Tobacco products	62.481,00	0,41
a) cigarettes	62.481,00	0,41
b) other tobacco products		
11. Medical products	73.415,63	0,48
12. Other	151.118,24	0,98
a) machines and tools		
b) vehicles including parts and implements		
c) office supplies	99.076,86	0,64
d) lighters		
e) labels, stickers	0,00	
f) textile products		
g) packaging material	3.153,89	0,02
h) other	48.887,49	0,32
TOTAL	15.365.986,39	100

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 2008, State inspectors conducted 6.633 inspections aimed at the protection of intellectual property rights. Out of the total number of the inspections as conducted, in 778 cases requests for the institution of the misdemeanour procedure were filed. In 2009, 6.851 inspections were conducted. 649 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 2008, 325 requests for the institution of the misdemeanour procedure were filed (42% of the total number of the requests as filed). In 2009, State inspectors filed 224 requests for the institution of the misdemeanour procedure (34,5% of the total number of the requests).

In 2009 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, also number of the requests for the institution of the misdemeanour procedure for the infringement of computer programs decreased. In 2009, 253 requests for the institution of the misdemeanour procedure for the infringements of the copyright provisions relating to computer programs were filed (in 2008, 260 such requests were filed). In 2009, 163 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 200, 173 such requests were filed).

Indices show that the number of the requests for the institution of the misdemeanour procedure as filed in 2009 decreased comparing it with 2008 (index 83). They also show further that the number of inspections in which the infringement of copyright was found in 2009 increased in relation to 2008. Indices of inspections in which the infringement of industrial property was found in 2009, increased for almost three times in relation to 2008 (index 173).

Table 4.1.
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		6.633	778
Copyright	Musical and cinematographic works	1.791	173
	Computer programs	1.269	260
	Circulation and reproduction of books	67	2
Industrial property	Infringements of the trademark provisions	2.878	325
	Infringements of the patent provisions	0	0
	Infringements of the industrial design provisions	7	4
	Infringements of the geographical indications provisions	621	14

Chart 4.1.
Statistical data on the infringements of intellectual property in 2008
– State inspectorate

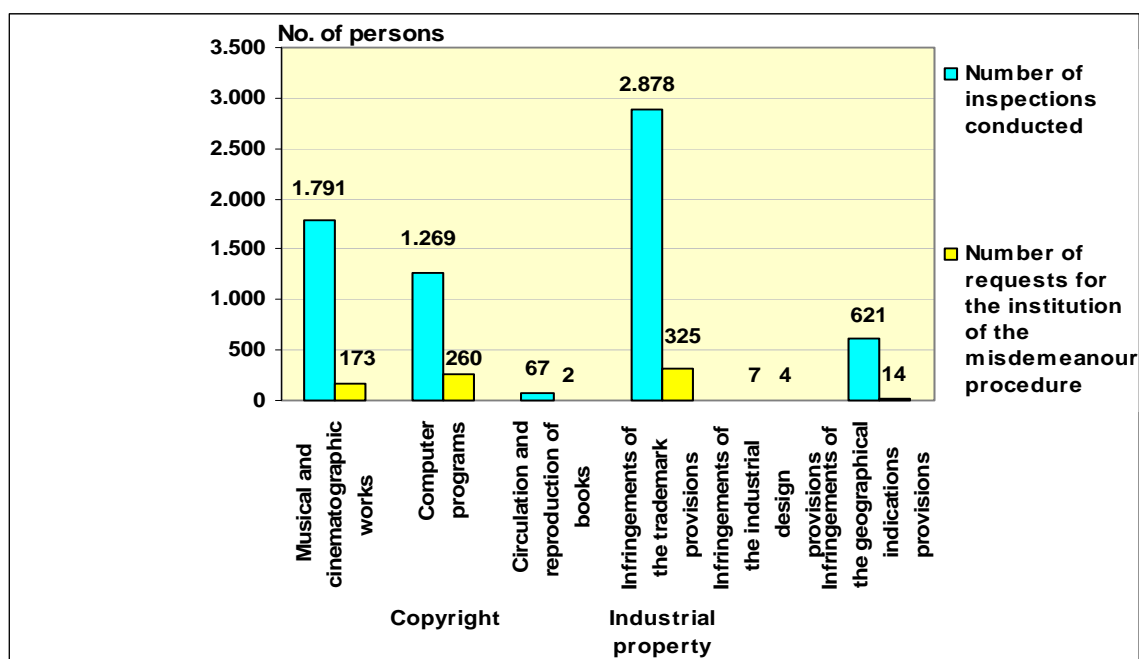


Table 4.2.
Statistical data on the infringements of intellectual property in 2009
– State inspectorate

Infringements of provisions		Number of inspections conducted	Number of requests for the institution of the misdemeanour procedure
TOTAL		6.851	649
Copyright	Musical and cinematographic works	2.769	163
	Computer programs	1.642	253
	Circulation and reproduction of books	94	6
Industrial property	Infringements of the trademark provisions	2.271	224
	Infringements of the patent provisions	1	0
	Infringements of the industrial design provisions	32	3
	Infringements of the geographical indications provisions	42	0

Chart 4.2.
Statistical data on the infringements of intellectual property in 2009
– State inspectorate

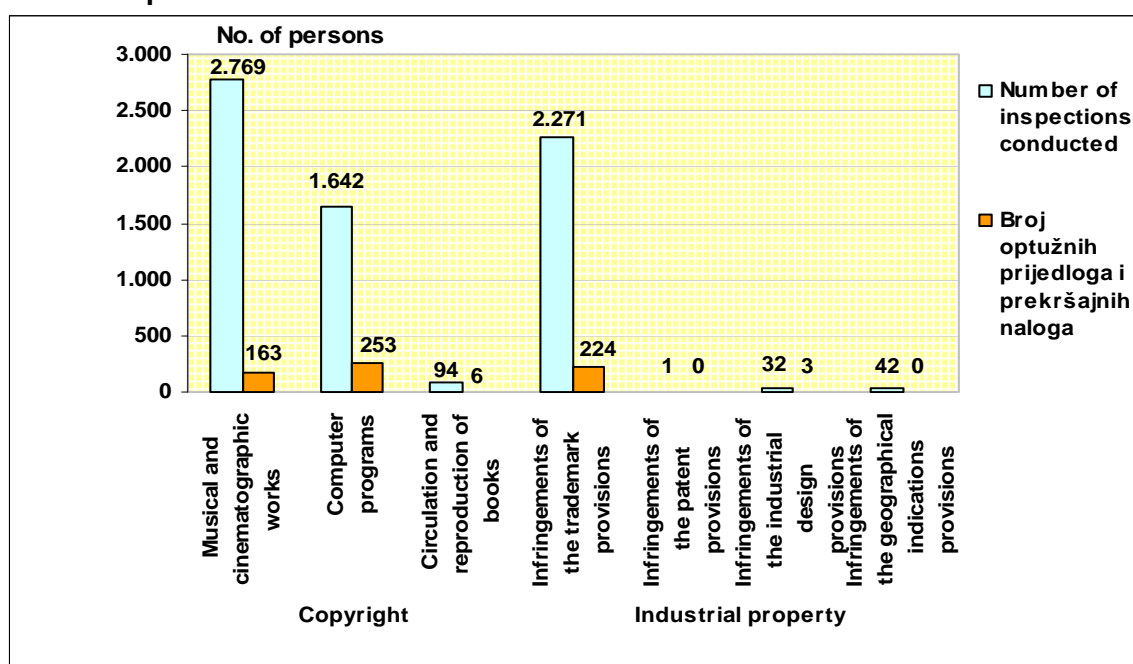


Table 4.3.
Indices – State inspectorate

	<u>2006.</u> <u>2005.</u>	<u>2007.</u> <u>2006.</u>	<u>2008.</u> <u>2007.</u>	<u>2009.</u> <u>2008.</u>
Infringement of the copyright provisions	176	338	296	144
Infringement of the industrial property provisions	76	62	173	67
Inspections conducted	80	86	215	103
Requests for the institution of the misdemeanour procedure	307	128	117	83

Table 4.4.
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 €
2005.	154	44	29	337	74	162	67.500,00
2006.	216	89	41	938	331	565	274.652,00
2007.	716	155	22	2.120	416	653	317.430,00
2008.	1.269	260	20	1.950	510	925	not available
2009.	1.642	253	15	3.156	434	907	not available

Chart 4.3.
Value of the seized illegally installed computer programs, expressed in euros
- State inspectorate

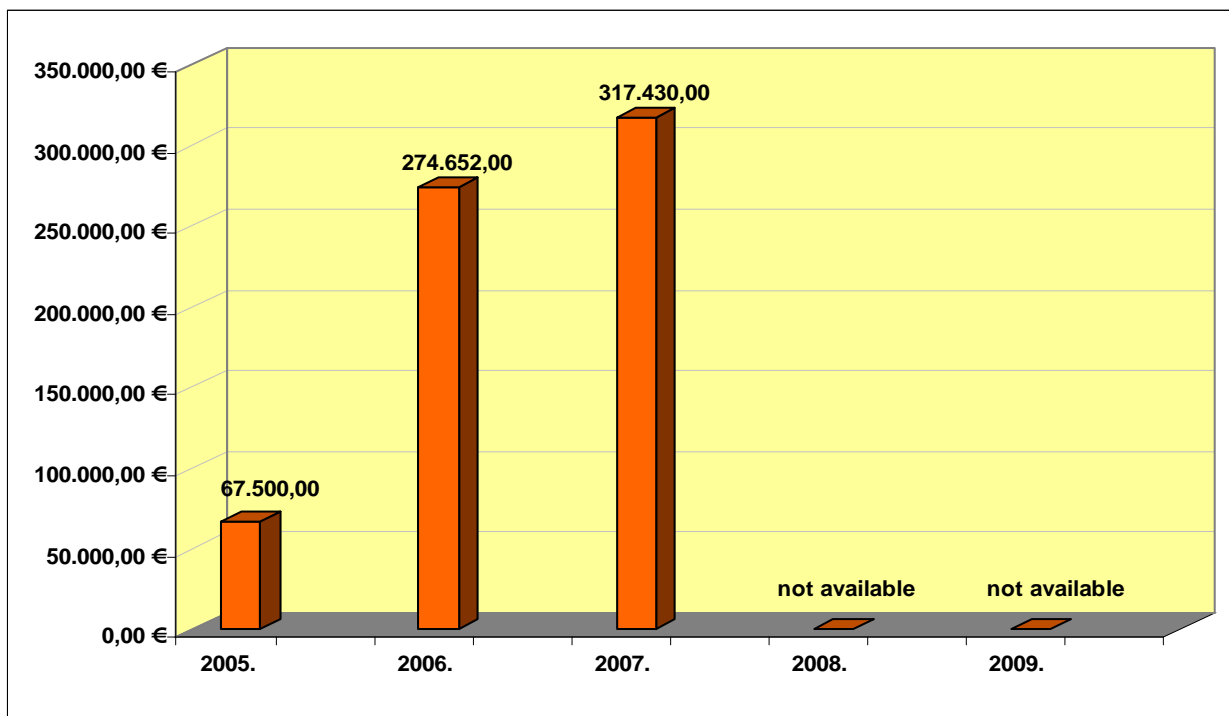


Table 4.5.
Inspections relating to the circulation of musical and cinematographic works recorded on audio and video carriers without the authorization of the author (pirated copies) - State inspectorate

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 €
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
2009.	163	1.960	7.573,90

Chart 4.4.
Value of the seized audio and video carriers, expressed in euros - State inspectorate

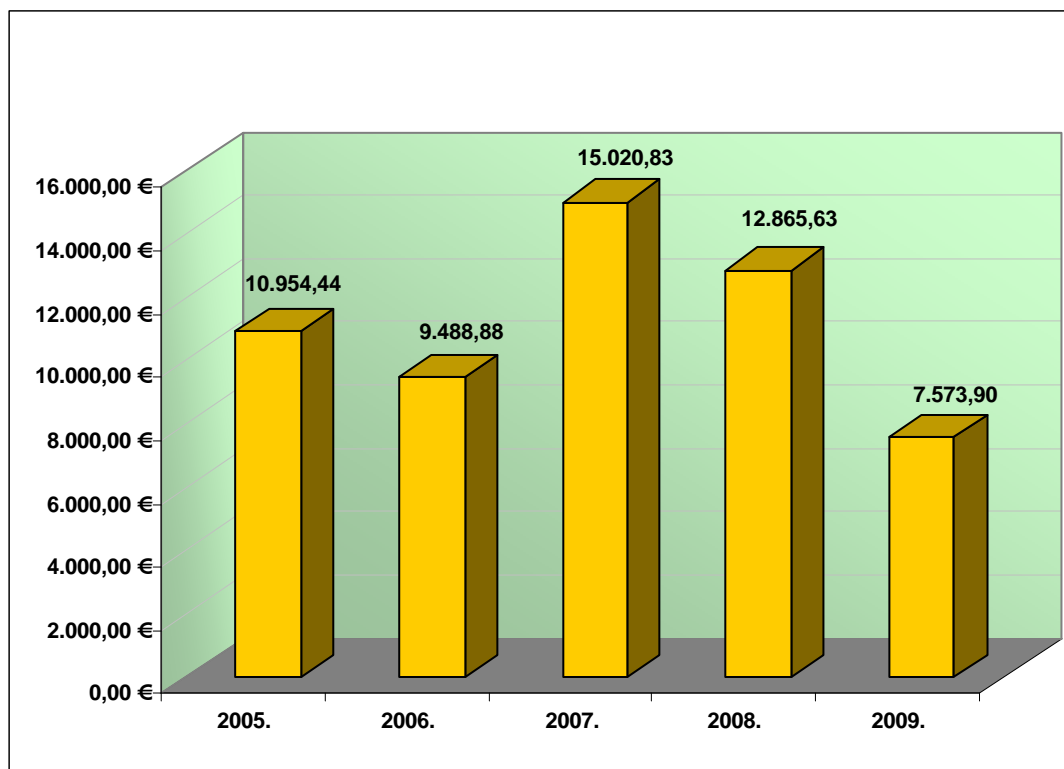


Table 4.6.
Inspection relating to the circulation and reproduction of books without the authorization of the author and publisher - State inspectorate

Year	Number of inspections	Motions to indict as filed in accordance with CRRA	Provisionally seized goods - books	
			Number of pieces	Value in €
2006.	35	7	10	132
2007.	77	3	1	10
2008.	67	2	2	15
2009.	94	6	59	403,43

Table 4.7.

**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 €
2005.	4.276	102	2,38	0	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
2009.	2.271	224	9,86	30.032	251.327,24

Chart 4.5.

Value of the goods seized for infringing the trademark provisions, as expressed in euros – State inspectorate

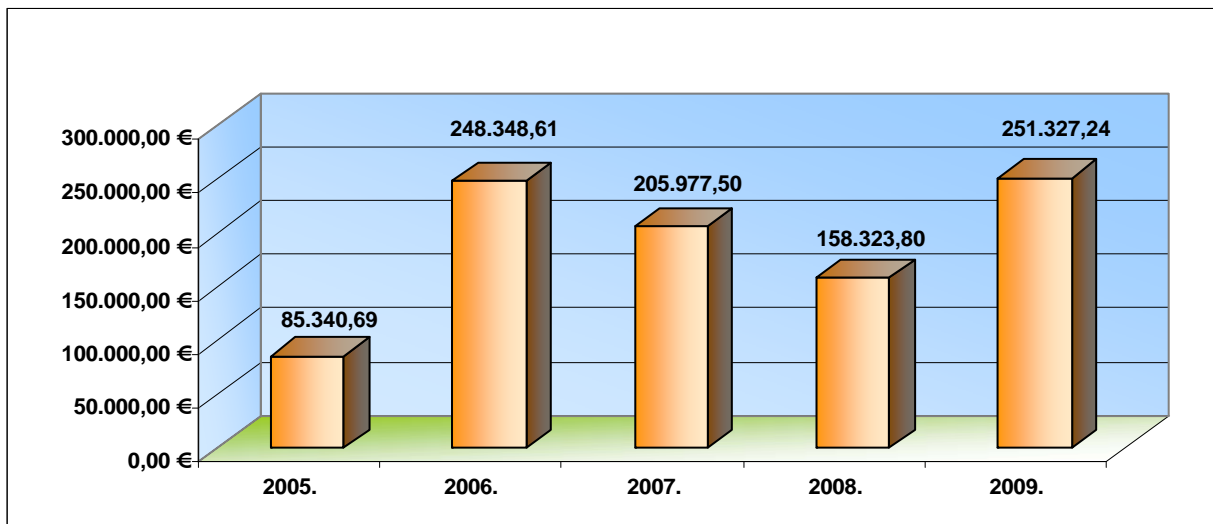


Table 4.8.

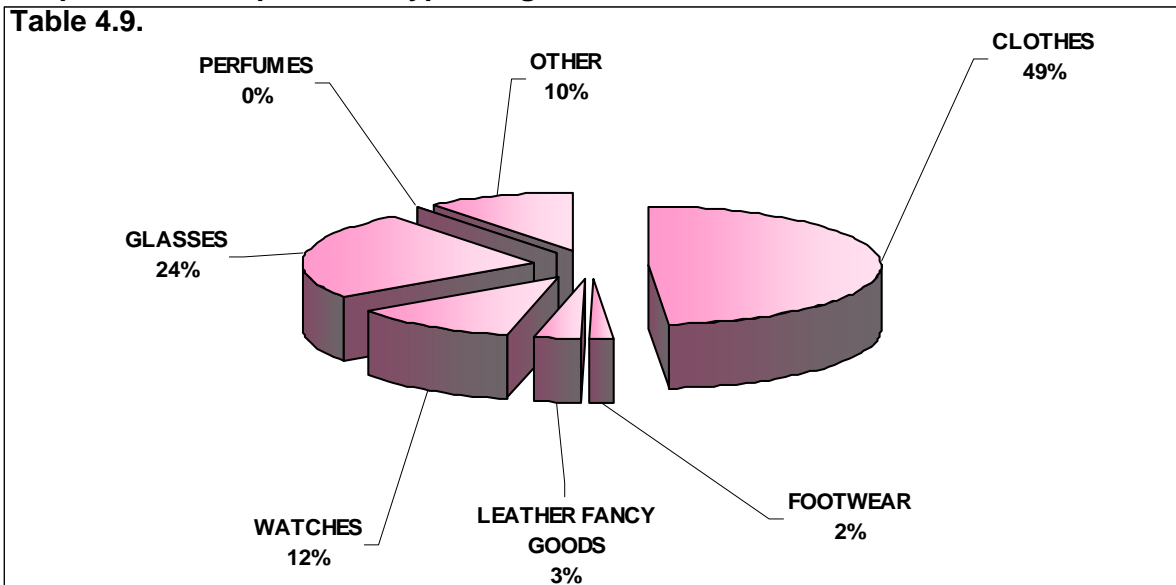
Types of temporarily seized goods and the number of pieces, in accordance with TA, 2007.- 2009. – State inspectorate

TYPE OF SEIZED GOODS	QUANTITY					
	2007.		2008.		2009.	
	Pieces	%	Pieces	%	Pieces	%
CLOTHES	2.918	16,20	5.694	13,32	14.640	48,75
Sportswear	656	3,64	1.699	3,97	9.413	31,34
Other	1.192	6,62	3.157	7,39	480	1,60
Accessories (caps, scarves)	1.070	5,94	838	1,96	4.747	15,81
FOOTWEAR	518	2,88	658	1,53	476	1,58
Sports footwear	446	2,48	655	1,53	304	1,01
Other	72	0,40	3		172	0,57
LEATHER FANCY GOODS	5.820	32,33	2.611	6,11	974	3,24
WATCHES	1.627	9,04	2.277	5,33	3.547	11,81
GLASSES	5.323	29,57	5.838	13,66	7.313	24,35
PERFUMES	1.424	7,91	156	0,36	2	0,01
SOUVENIRS	0	0,00	0	0,00	0	0,00
OTHER (earrings, necklaces, party games, car screens car flags, mascaras, ice-cream, flags, bracelets, toners)	371	2,06	25.484	59,65	3.080	10,26
TOTAL	18.001	100,00	42.718	100,00	30.032	100,00

Chart 4.6.

Proportion of the particular types of goods seized in 2009

Table 4.9.



Inspection relating to the circulation of products made according to a protected invention – State inspectorate

Year	Number of inspections	Motions to indict filed in accordance with PA	Provisionally seized goods	
			Number of pieces	Value in €
2006.	0	0	0	0,00
2007.	1	0	0	0,00
2008.	1	0	0	0,00
2009.	1	0	0	0,00

Table 4.10.

Inspections relating to the circulation of products in connection with the protection of industrial designs – State inspectorate

Year	Number of inspections	Misdemeanours established in accordance with IDA	Provisionally seized goods	
			Number of pieces	Value in €
2005.	4	0	0	0
2006.	540	18	364	2.527,77
2007.	3	0	0	0,00
2008.	7	4	282	1.905,40
2009.	32	3	16	71,87

Table 4.11.

Inspection relating to the circulation of products in connection with the protection of geographical indications and designations of origin – State inspectorate

Year	Number of inspections	Misdemeanours established in accordance with FA/ ADOGIDTRAFP (from 2009)	Provisionally seized goods	
			Number of pieces	Value in €
2006.	232	15	0	0,00
2007.	0	0	0	0,00
2008.	621	14	0	1.380,26
2009.	0	0	0	0,00

FA – Act of Food

ADOGIDTRAFP – Act on Designations of Origin, Geographical Indications and Designations of Traditional Reputation of Agricultural and Food Products

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

Table 5.1.
Statistical data on the infringements of intellectual property, 1998 – 2009
- 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	12	12
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	2.863	2.863
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	110	110
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	593	593

Chart 5.1.
The number of reports relating to the infringement of intellectual property rights, 1998 – 2009 - Ministry of interior

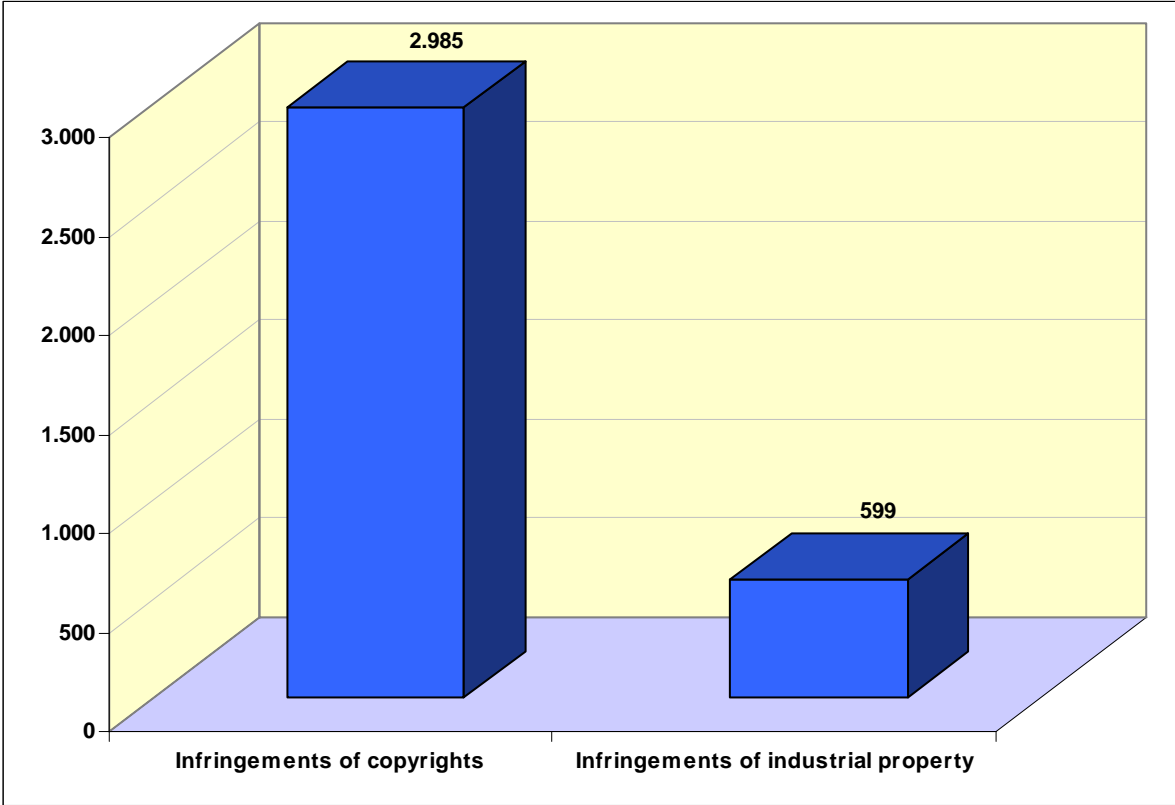
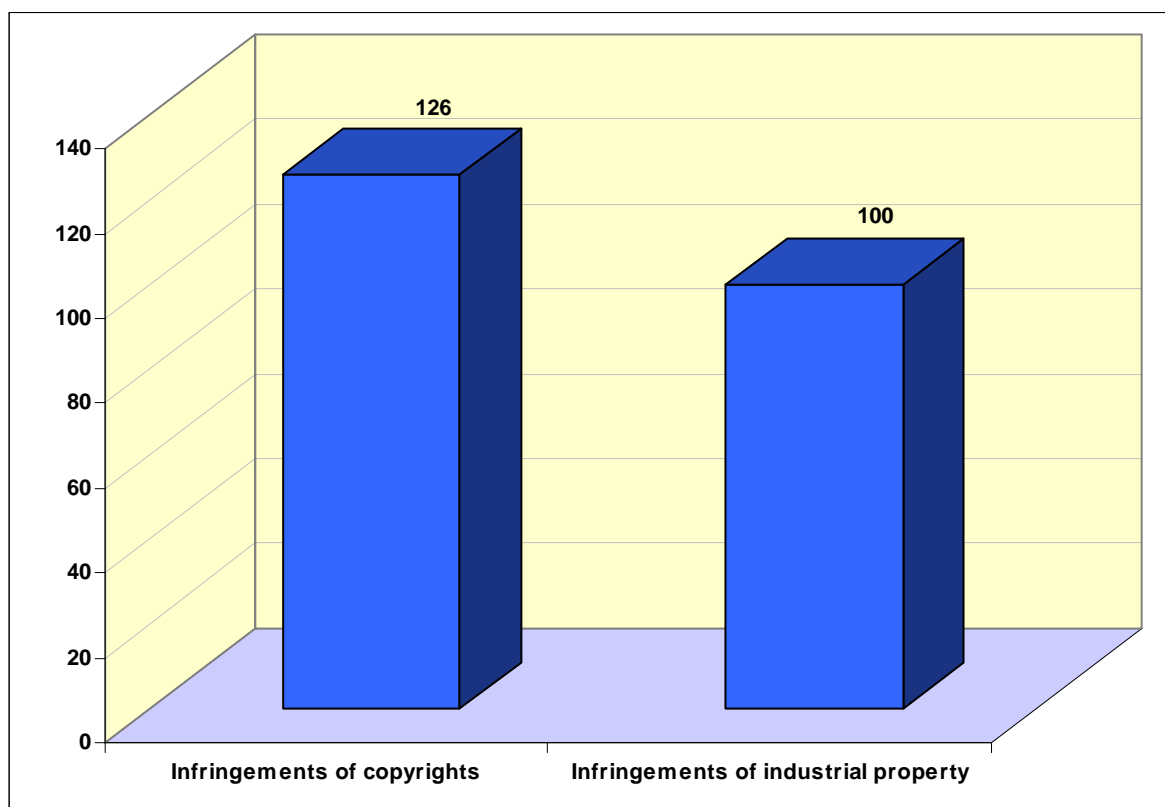


Table 5.2.
Statistical data on the infringements of intellectual property for 2009
- Ministry of interior

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	2	2
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	112	112
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	12	12
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	0	0
Infringement of the industrial property rights and unauthorized use of somebody else's firm, Article 285 CC	100	100

Chart 5.2.
The number of reports relating to the infringement of intellectual property rights for 2009 - Ministry of interior



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, 2000 – 2009
- State attorney's office

	Reports total	Known committers				Unknown committers
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	4.036	3.882	607	4	3.260	154

Chart 6.1.
The types of decisions issued from 2000 to 2009
- State attorney's office

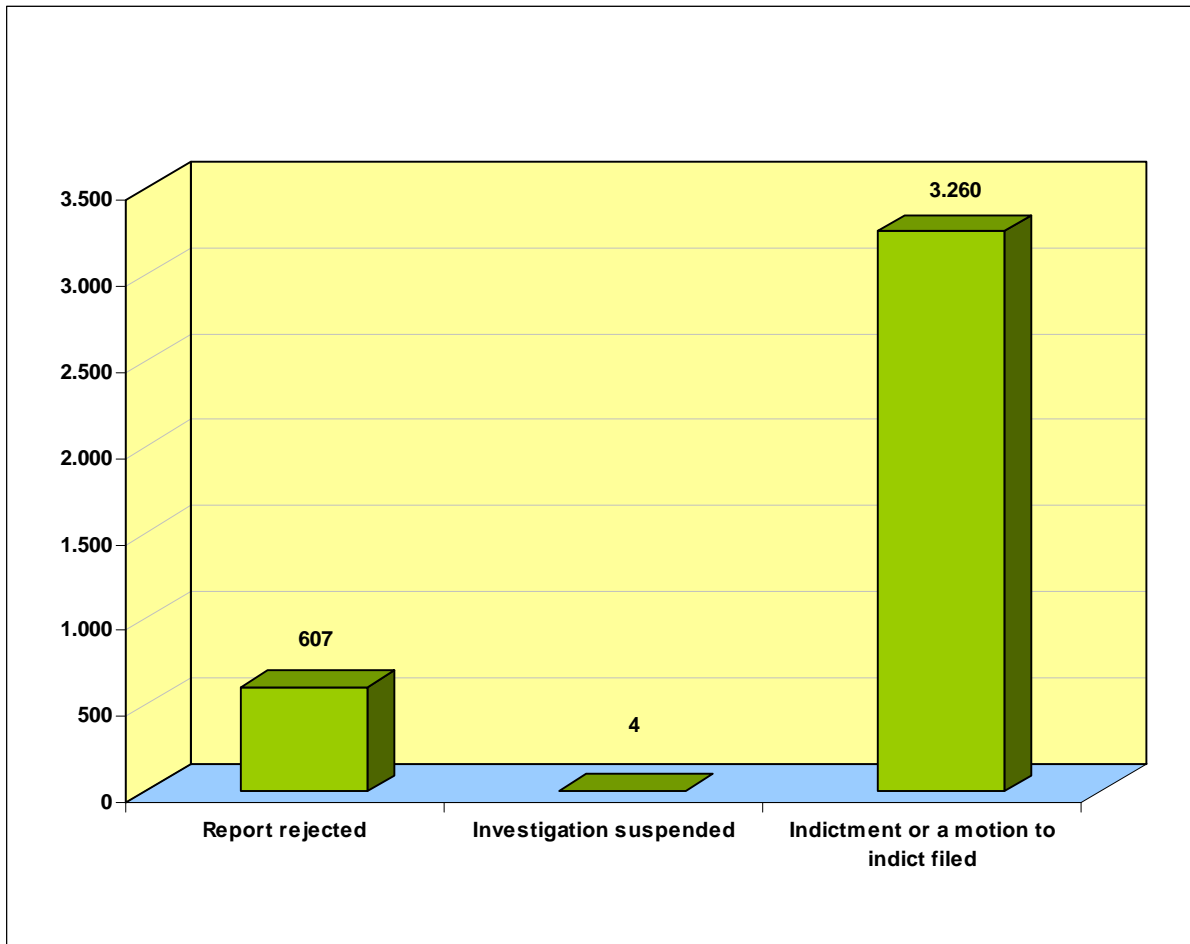


Table 6.2.

**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**

	Reports total	Known committers				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	43	38	19	2	16	5
2000.	5	4	1	0	3	1
2001.	4	4	1	1	2	0
2002.	3	3	1	1	1	0
2003.	4	3	2	0	1	1
2004.	6	4	4	0	0	2
2005.	3	3	3	0	0	0
2006.	6	6	3	0	3	0
2007.	8	8	4	0	4	0
2008.	2	2	0	0	2	0
2009.	2	1	0	0	0	1

Chart 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**

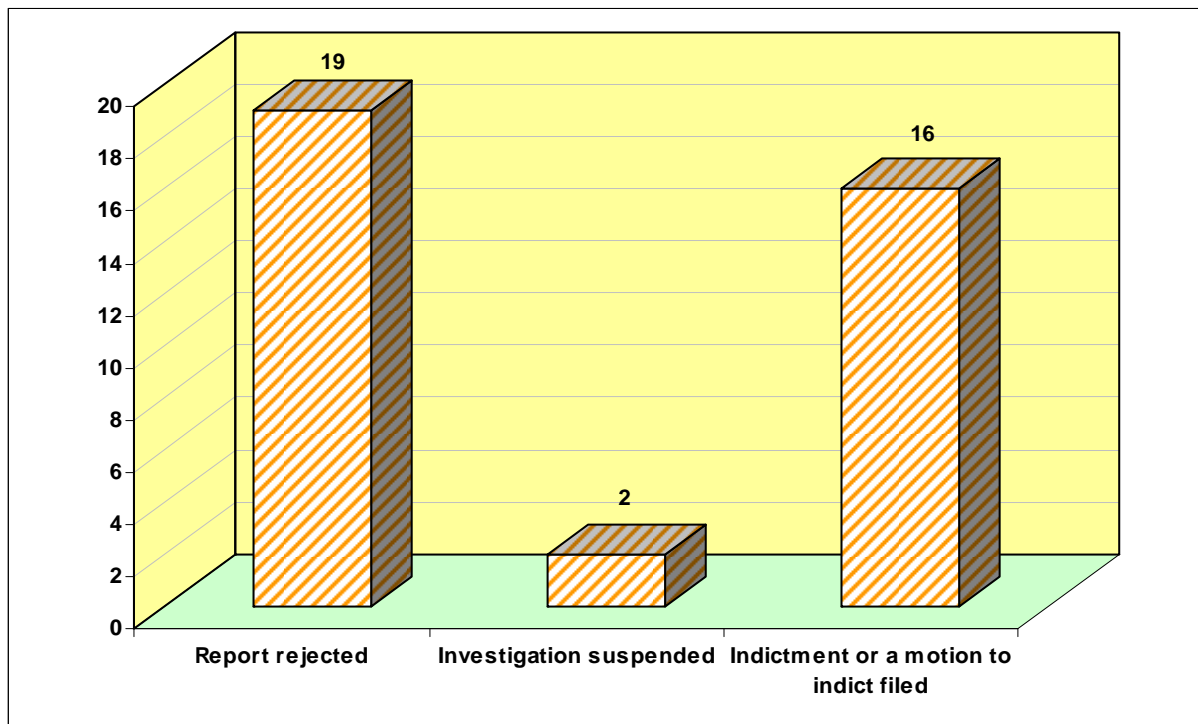


Table 6.3.

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

	Reports total	Known comitters				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	3.288	3.163	454	0	2.704	125
2000.	309	309	23	0	286	0
2001.	390	387	23	0	364	3
2002.	410	381	84	0	297	29
2003.	435	403	49	0	354	32
2004.	404	394	52	0	342	10
2005.	324	317	45	0	272	7
2006.	354	327	55	0	272	27
2007.	266	249	52	0	197	17
2008.	264	264	54	0	225	0
2009.	132	132	17	0	95	0

Chart 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

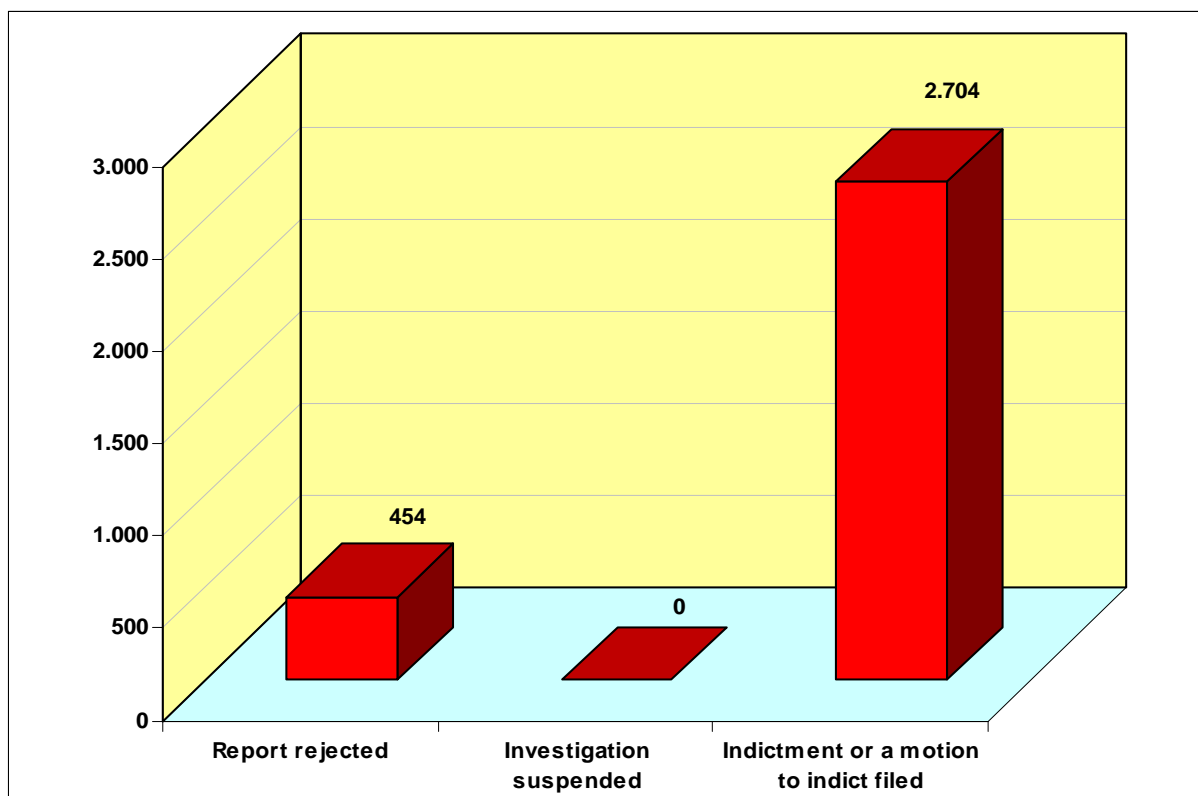


Chart 6.4.
Trends in criminal offence reports relating to copyright (data from tables 6.2. and 6.3)
– State attorney’s office

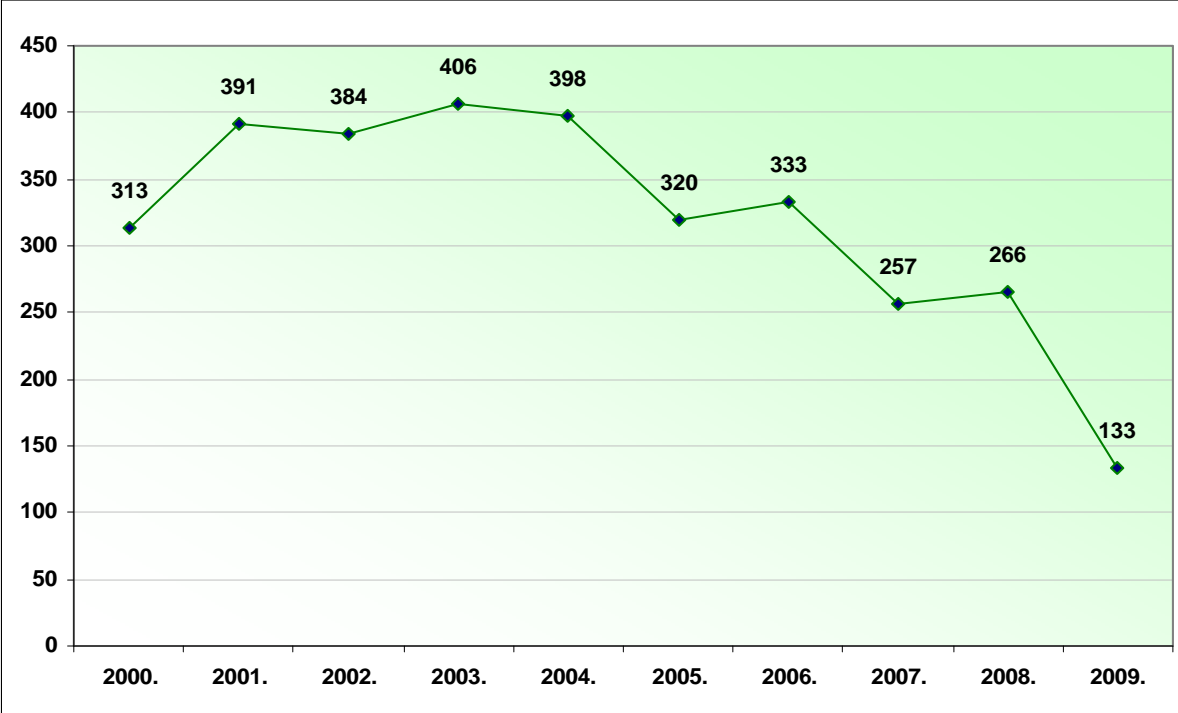


Chart 6.5.
Trends in rejections of criminal offence reports relating to copyright (data from tables 6.2.and 6.3)
– State attorney’s office

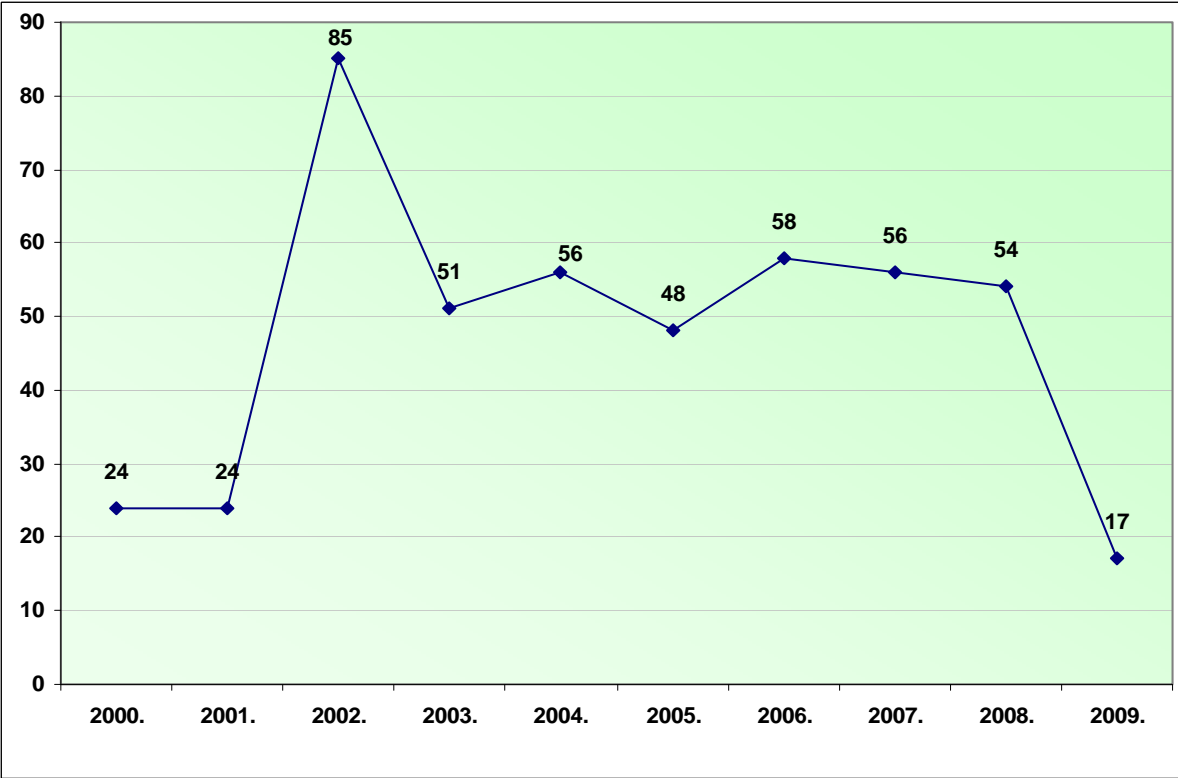


Chart 6.6.
Trends in filing indictments for the infringement of copyright (data from tables 6.2.and 6.3) – State attorney’s office

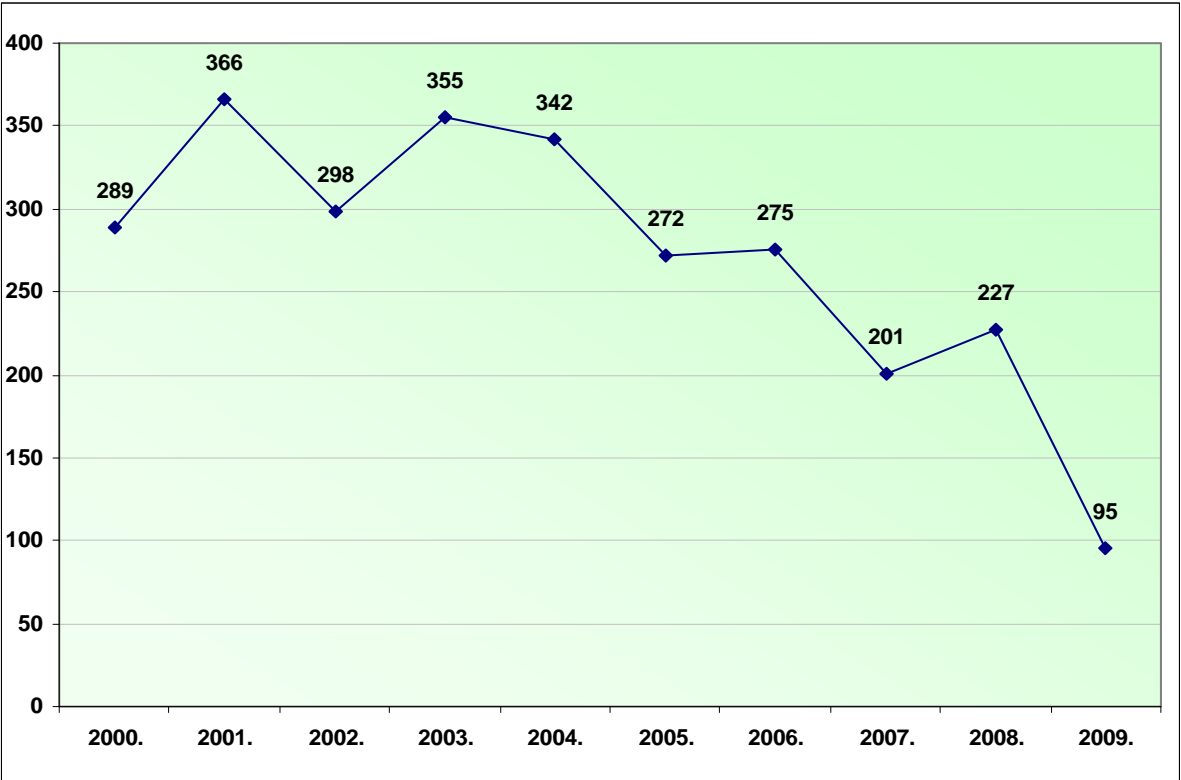


Table 6.4.
Reported adult persons by the type of decision on a criminal offence comprising infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC - State attorney's office

	Reports total	Known committers				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	87	81	10	0	71	6
2000.	4	4	1	0	3	0
2001.	5	5	0	0	5	0
2002.	9	5	0	0	5	4
2003.	5	5	1	0	4	0
2004.	16	14	3	0	11	2
2005.	3	3	0	0	3	0
2006.	18	18	3	0	15	0
2007.	12	12	1	0	11	0
2008.	14	14	1	0	13	0
2009.	1	1	0	0	1	0

Chart 6.7.
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

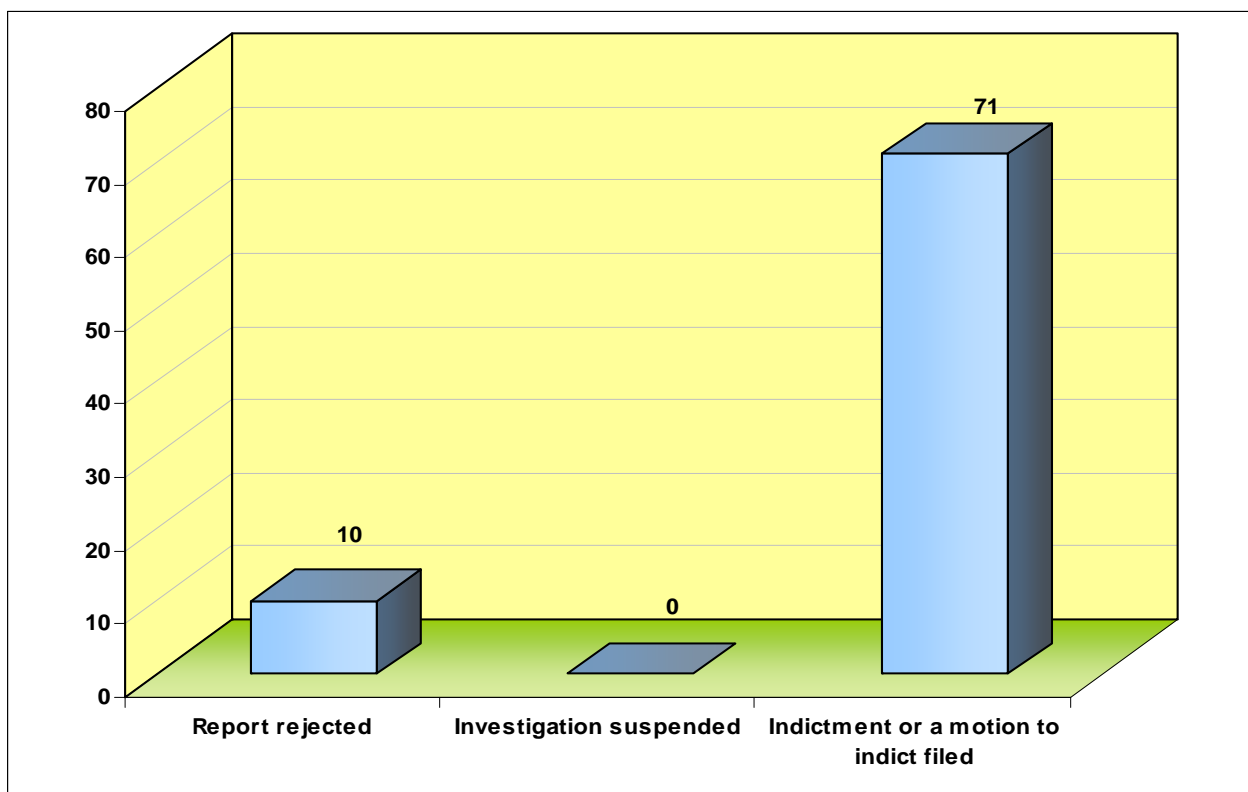


Table 6.5.
Reported adult persons by the type of decision on a criminal offence comprising infringement of the right conferred by an invention applied for or protected, Art. 232 CC - State attorney's office

	Reports total	Known committers				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	28	28	23	0	5	0
2000.	5	5	4	0	1	0
2001.	1	1	1	0	0	0
2002.	0	0	0	0	0	0
2003.	1	1	1	0	0	0
2004.	11	11	11	0	0	0
2005.	1	1	1	0	0	0
2006.	5	5	5	0	0	0
2007.	4	4	0	0	4	0
2008.	0	0	0	0	0	0
2009.	0	0	0	0	0	0

Chart 6.8.
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

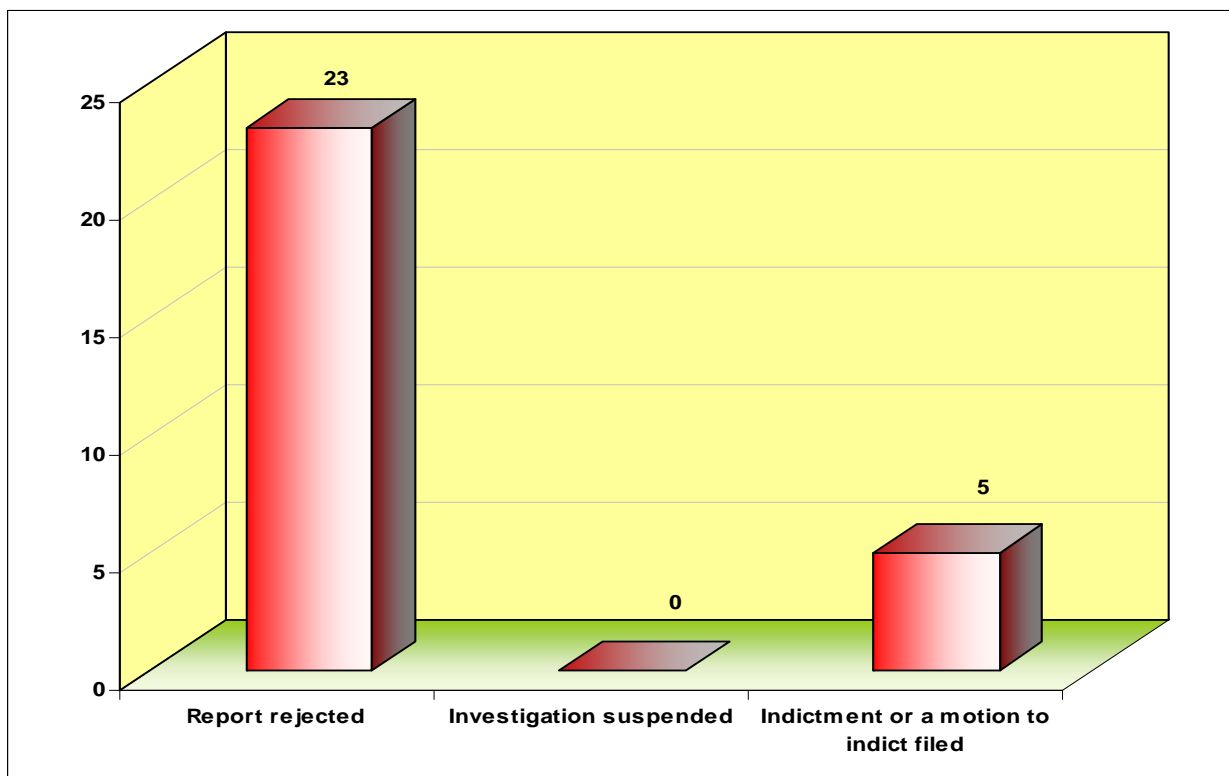


Chart 6.9.
Trends in criminal offence reports relating to the infringements of the rights conferred by an invention applied for or protected - State attorney's office

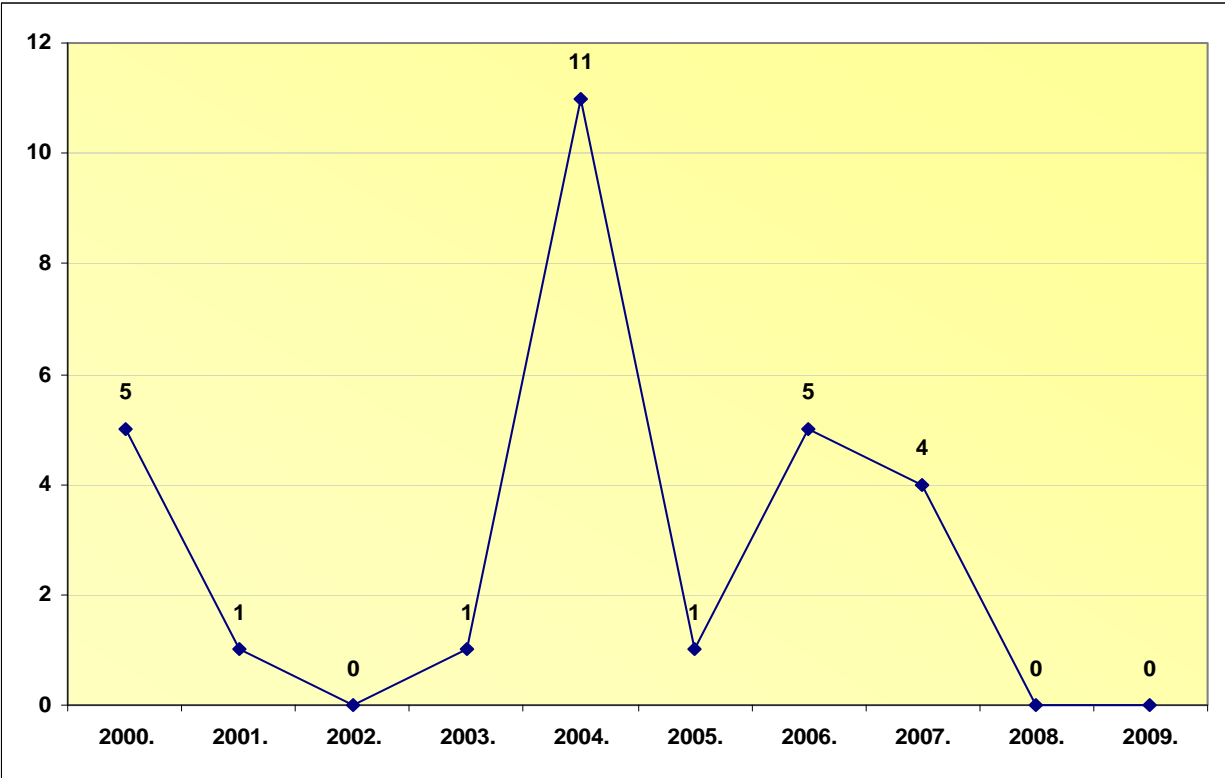


Table 6.6.
Reported adult persons by the type of decision on a criminal offence comprising infringement of the industrial property rights and unauthorized use of somebody else's firm, Art. 285 CC - State attorney's office

	Reports total	Known committers				Unknown comitters
		Total	Report rejected	Investigation suspended	Indictment or a motion to indict filed	
TOTAL	585	567	101	2	464	18
2000.	16	16	4	0	12	0
2001.	18	16	3	2	11	2
2002.	9	9	3	0	6	0
2003.	20	18	7	0	11	2
2004.	35	35	13	0	22	0
2005.	71	69	7	0	62	2
2006.	133	131	16	0	115	2
2007.	122	117	16	0	101	5
2008.	130	130	28	0	102	0
2009.	31	26	4	0	22	5

Chart 6.10.
Reported adult persons by the type of decision on a criminal offence comprising infringement of the industrial property rights and unauthorized use of somebody else's firm, Art. 285 CC - State attorney's office

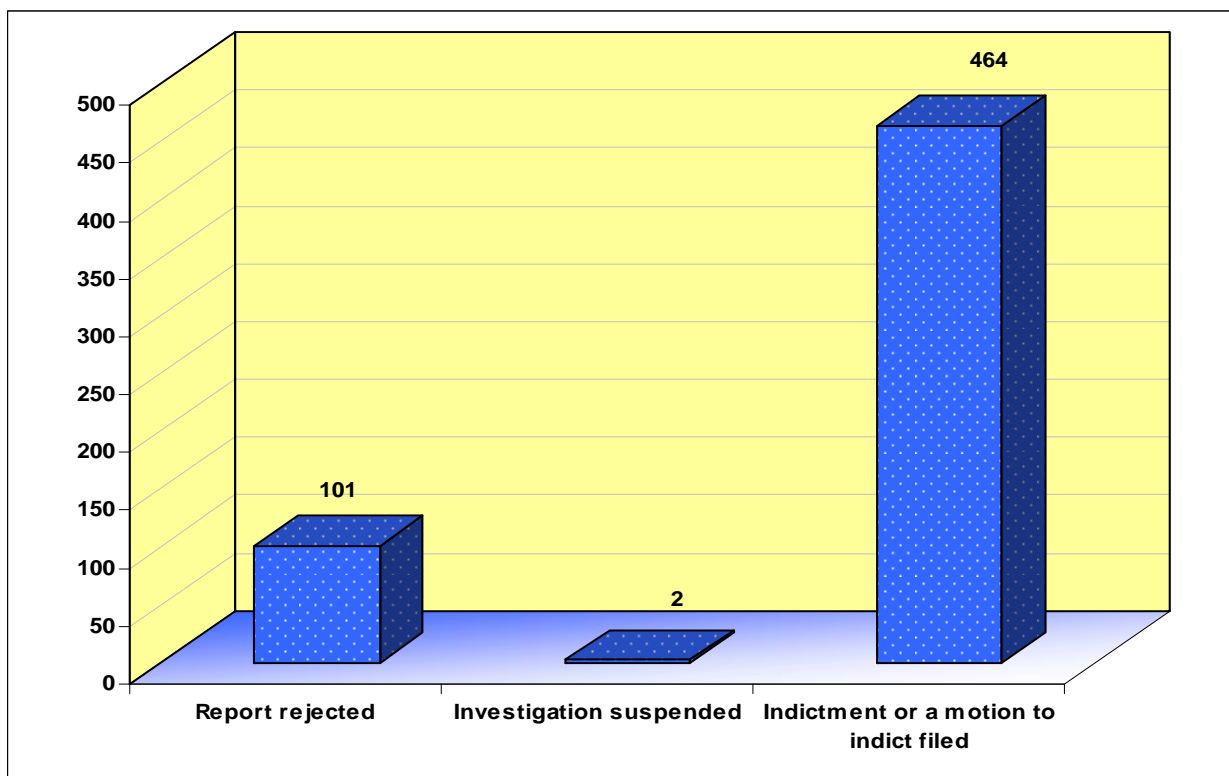


Chart 6.11.
Trends in criminal offence reports relating to the infringements of industrial property rights - State attorney's office

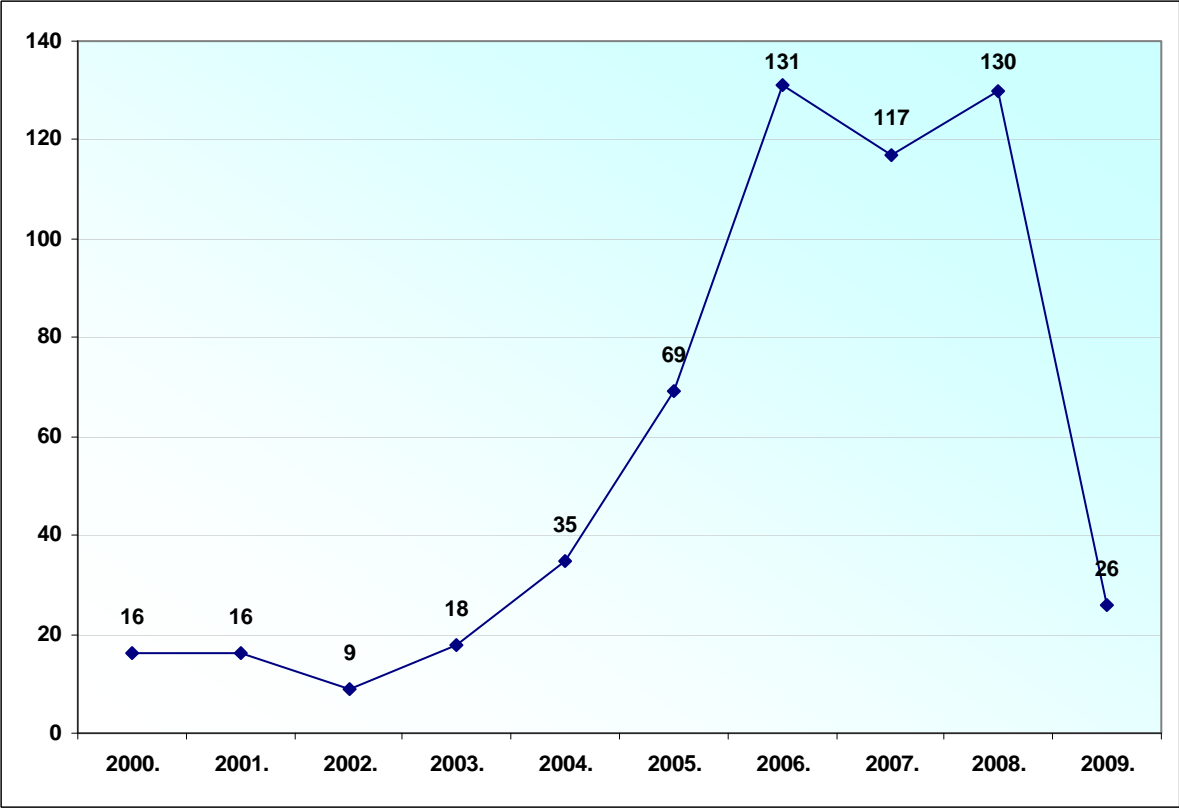


Chart 6.12.
Trends in rejections of criminal offence reports relating to the infringements of industrial property rights - State attorney's office

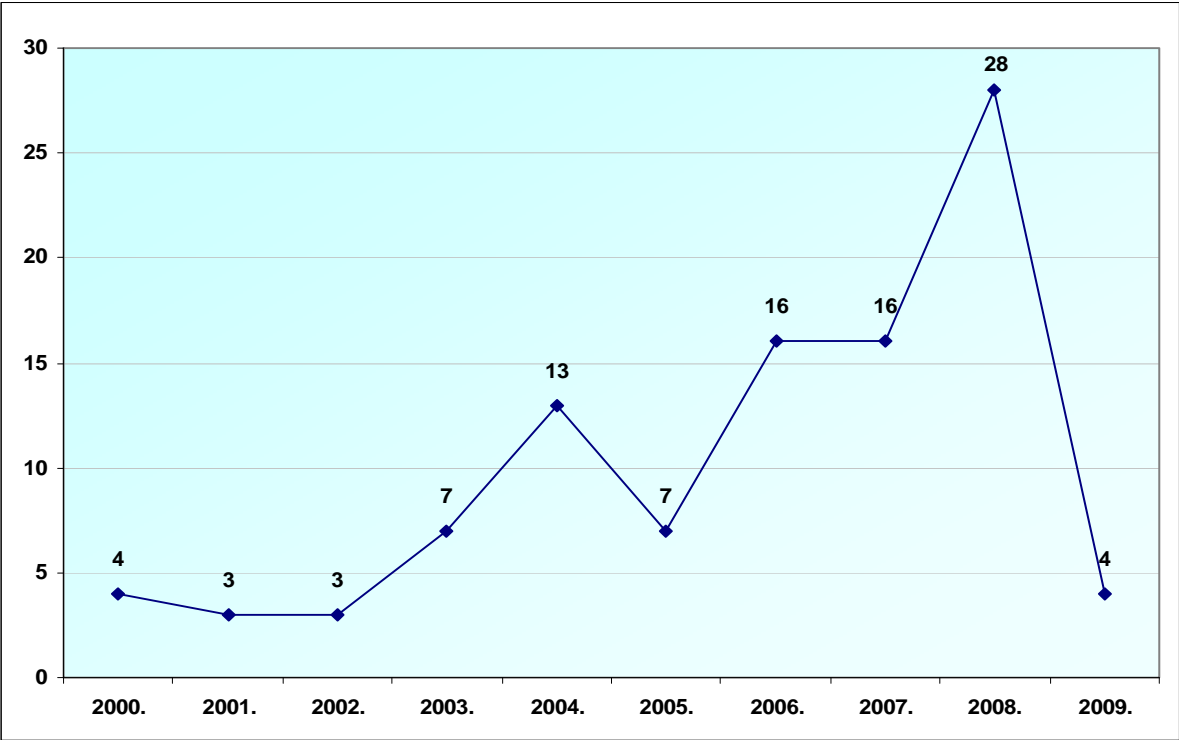
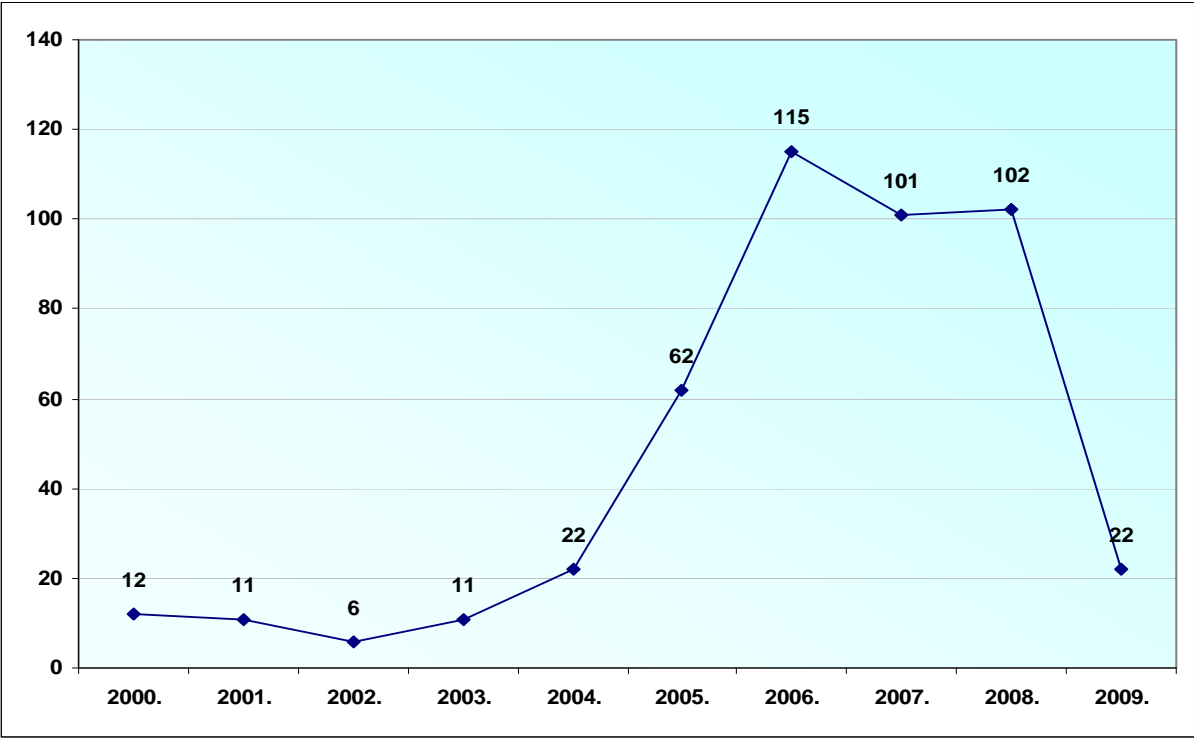


Chart 6.13.
Trends in filing of indictments against the infringements of industrial property rights
- State attorney's office



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 ten-year observation period, covering the years from 2000 to 2009, 3043 persons were accused and 2425 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 2000 to 2009, 562 persons were accused and 476 were convicted for a criminal offence comprising infringement of the industrial property rights and unauthorized use of somebody else's firm (Article 285 CC).

29 persons were accused and 14 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).

77 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 7.1.1.
Court decisions on criminal offences comprising the infringement of intellectual property rights 2000 - 2009

Accused Total	Found guilty	Not found guilty			
		Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
3.711	2.970	325	211	203	2

Chart 7.1.1.
Court decisions on criminal offences comprising the infringement of intellectual property rights 2000 – 2009
- Criminal courts

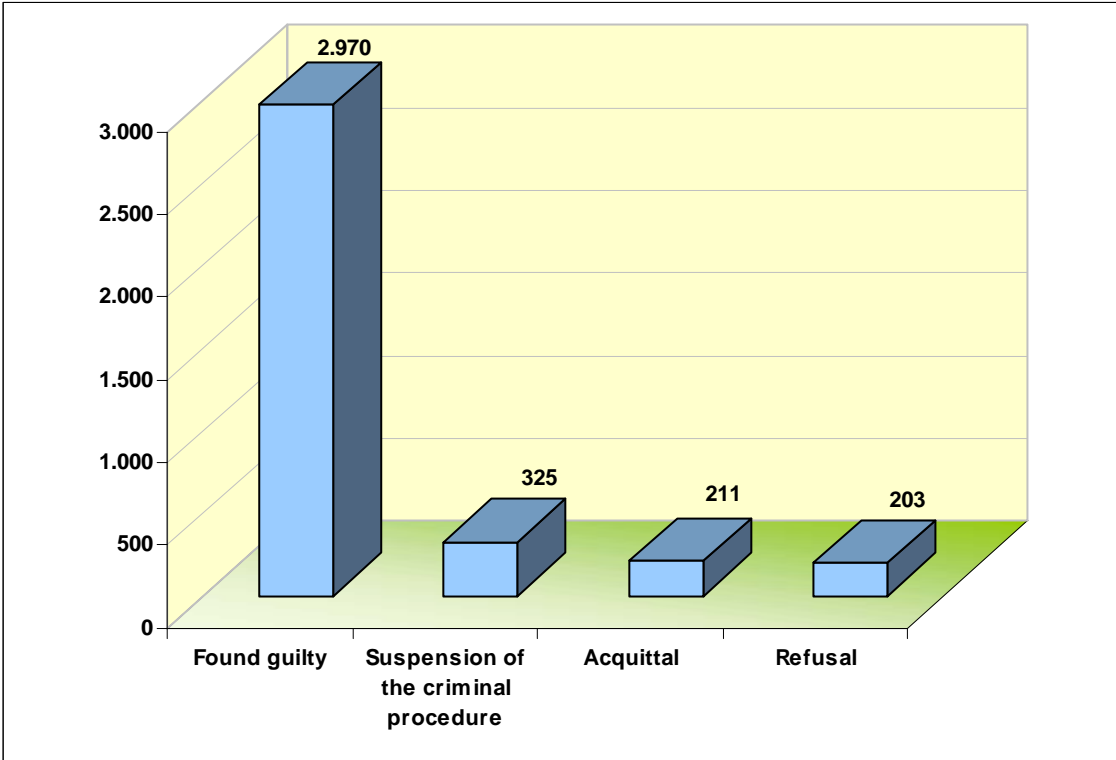


Table 7.1.2.**Accused adults by the type of decision on a criminal offence comprising the infringement of the rights of authors or the rights of performers, Art. 229 CC
- Court decisions**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	17	6	8	2	1	0
2000.	1	0	1	0	0	0
2001.	0	0	0	0	0	0
2002.	0	0	0	0	0	0
2003.	2	1	0	1	0	0
2004.	1	0	1	0	0	0
2005.	2	0	2	0	0	0
2006.	2	1	0	0	1	0
2007.	5	0	4	1	0	0
2008.	2	2	0	0	0	0
2009.	2	2	0	0	0	0

Chart 7.1.2.

Trend of accused adults on a criminal offence comprising the infringement of the rights of authors or the rights of performers, Art. 229 CC – Court decisions

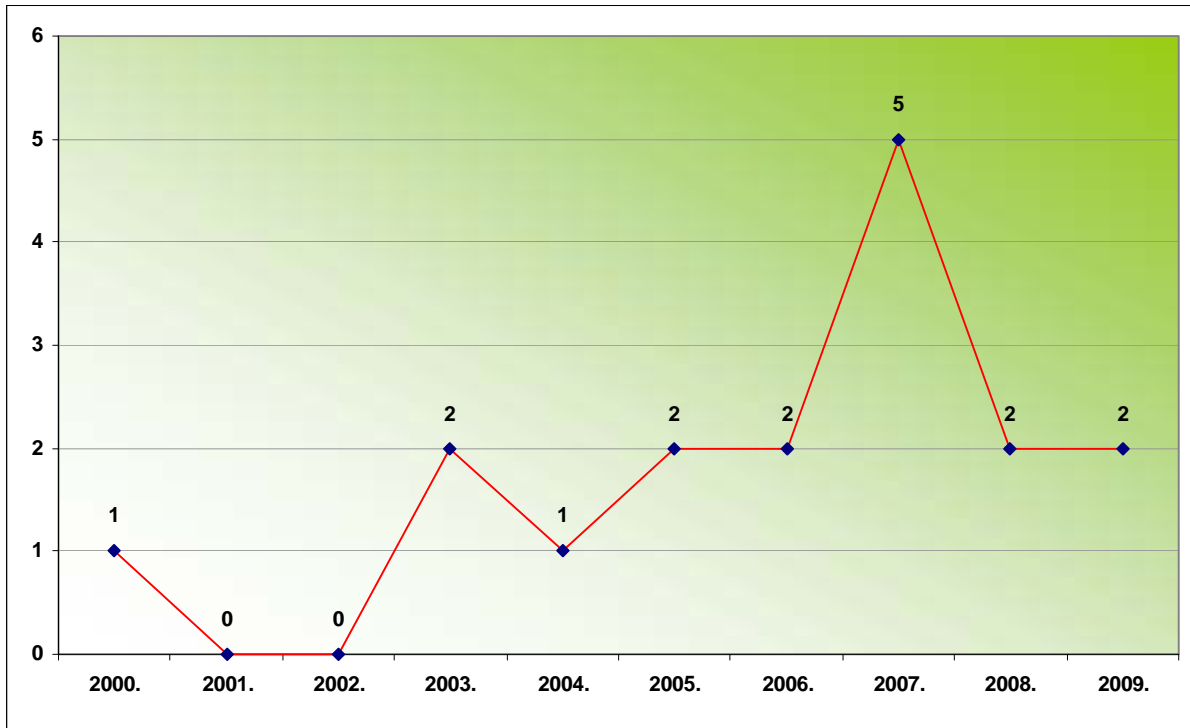


Chart 7.1.3.

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

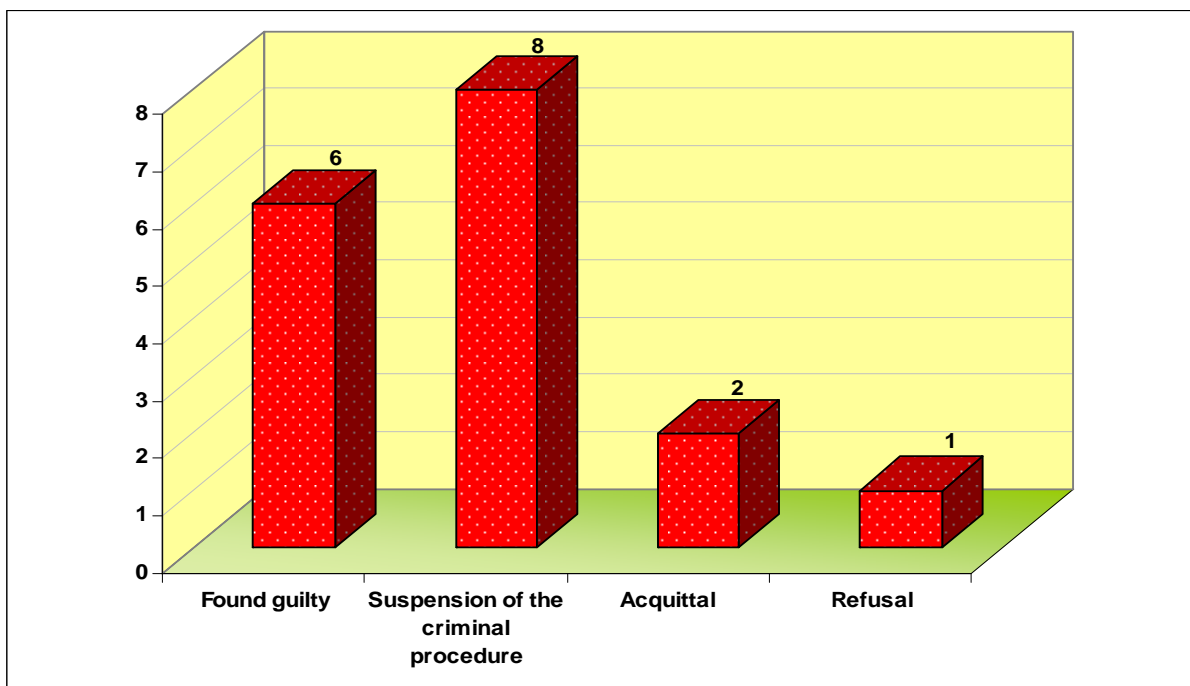


Table 7.1.3.**Accused adults by the type of decision on a criminal offence comprising unauthorized use of a copyright work or of a performer's performance, Art. 230 CC
– Court decisions**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	3.043	2.425	268	178	170	2
2000.	250	205	17	13	15	0
2001.	270	224	31	7	7	1
2002.	429	394	12	13	10	0
2003.	363	310	27	14	12	0
2004.	308	236	35	13	24	0
2005.	313	222	25	27	39	0
2006.	357	248	54	33	22	0
2007.	265	194	29	22	20	0
2008.	280	226	20	19	15	0
2009.	208	166	18	17	6	1

Chart 7.1.4.
Trend of accused adults on a criminal offence comprising unauthorized use of a copyright work or of a performer’s performance, Art. 230 CC – Court decisions

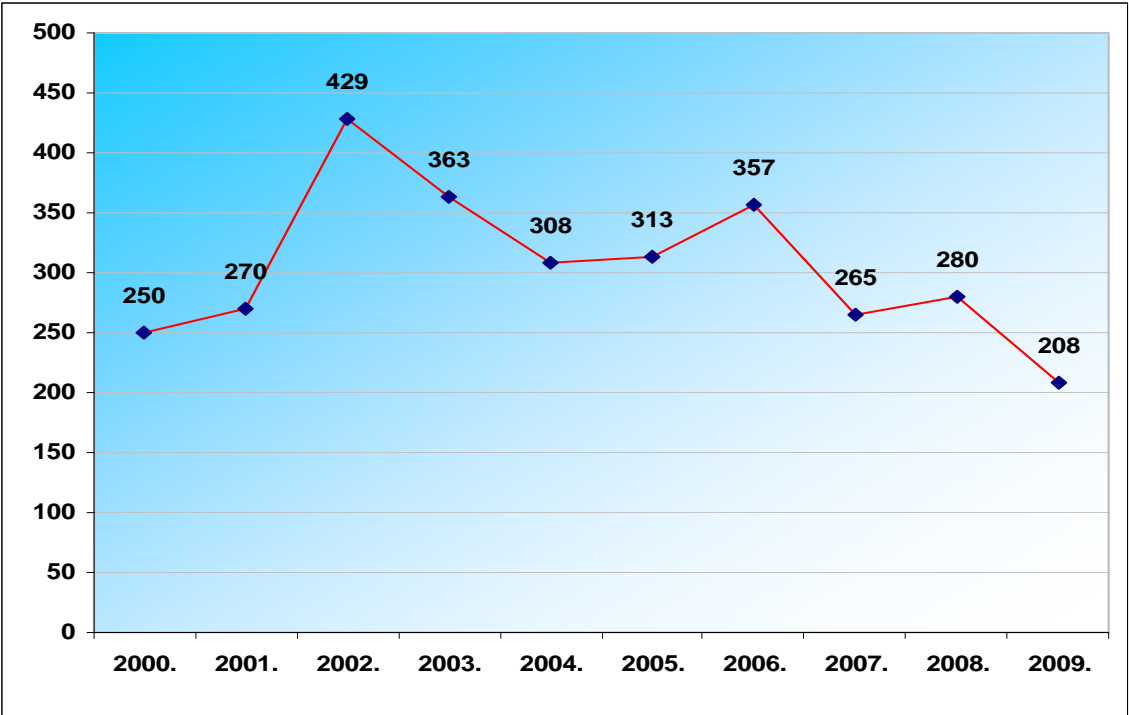


Chart 7.1.5.
Accused adults by the type of decision on a criminal offence comprising unauthorized use of a copyright work or of a performer’s performance, Art. 230 CC - Court decisions

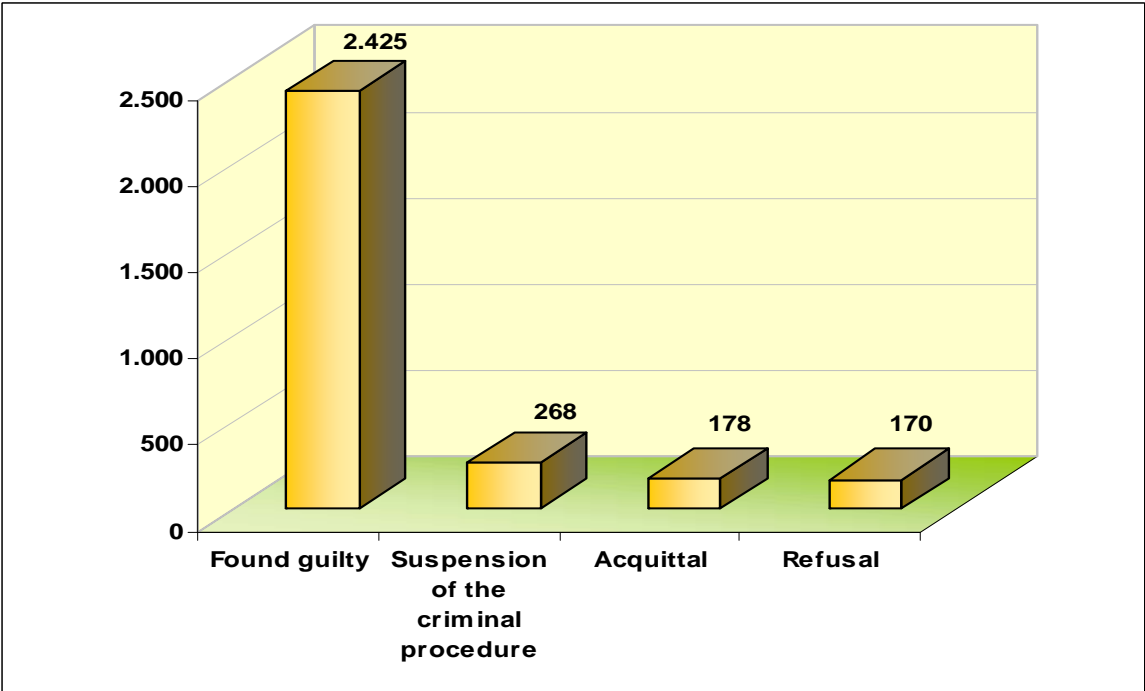


Table 7.1.4.
Accused adults by the type of decision on a criminal offence comprising the infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC - Court decisions

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	77	55	13	3	6	0
2000.	5	3	2	0	0	0
2001.	4	2	0	2	0	0
2002.	9	9	0	0	0	0
2003.	0	0	0	0	0	0
2004.	2	2	0	0	0	0
2005.	6	2	4	0	0	0
2006.	10	7	1	0	2	0
2007.	16	14	2	0	0	0
2008.	13	8	2	0	3	0
2009.	12	8	2	1	1	0

Chart 7.1.6.
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 – Court decisions

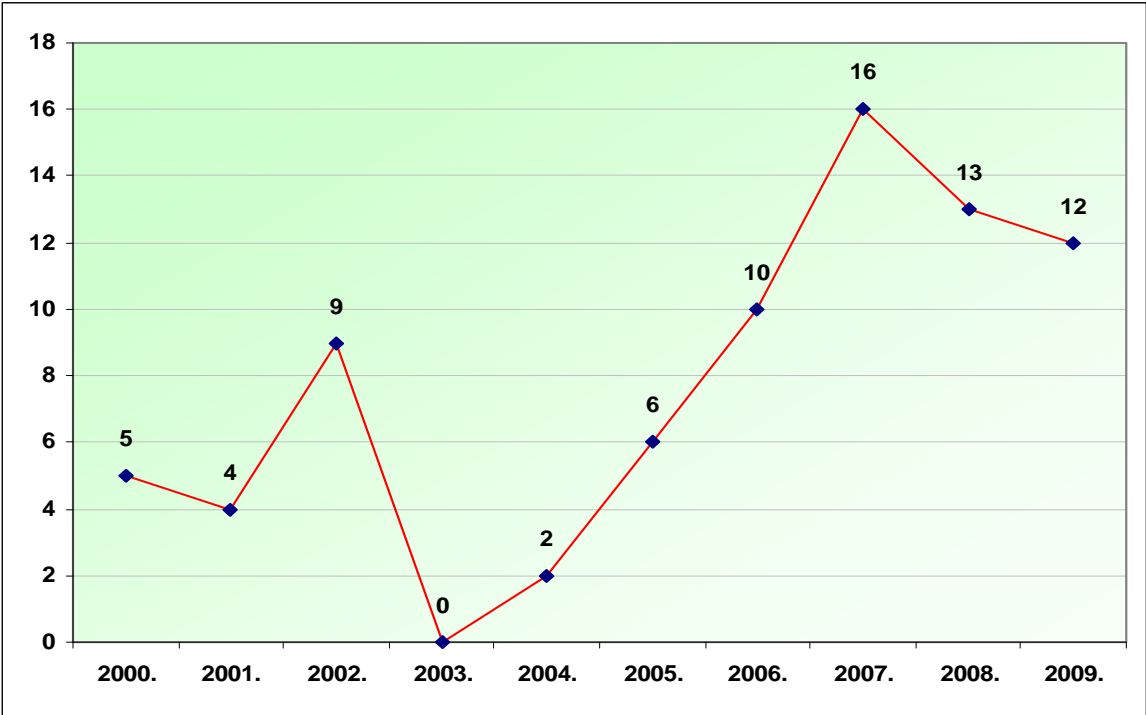


Chart 7.1.7.
Accused adults by the type of decision on a criminal offence comprising the infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC - Court decisions

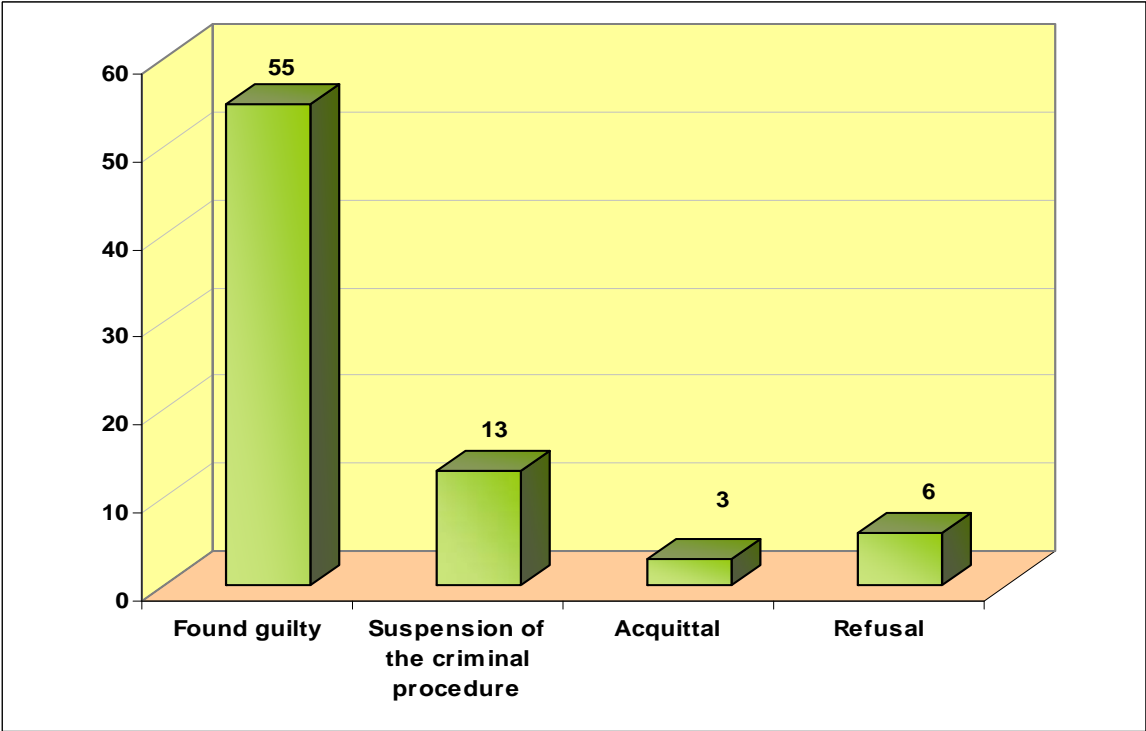


Table 7.1.5.
Accused adults by the type of decision on a criminal offence comprising the infringement of the rights conferred by an invention applied for or protected, Art. 232 CC - Court decisions

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	12	8	3	0	1	0
2000.	0	0	0	0	0	0
2001.	0	0	0	0	0	0
2002.	1	1	0	0	0	0
2003.	1	0	1	0	0	0
2004.	0	0	0	0	0	0
2005.	0	0	0	0	0	0
2006.	1	0	1	0	0	0
2007.	4	4	0	0	0	0
2008.	2	2	0	0	0	0
2009.	3	1	1	0	1	0

Table 7.1.6.
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	562	476	33	28	25	0
2000.	21	17	3	0	1	0
2001.	36	16	4	7	9	0
2002.	25	12	8	3	2	0
2003.	16	9	3	4	0	0
2004.	14	8	3	0	3	0
2005.	35	33	1	1	0	0
2006.	94	88	1	3	2	0
2007.	103	96	2	3	2	0
2008.	92	79	4	4	5	0
2009.	126	118	4	3	1	0

Chart 7.1.8.
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 – Court decisions

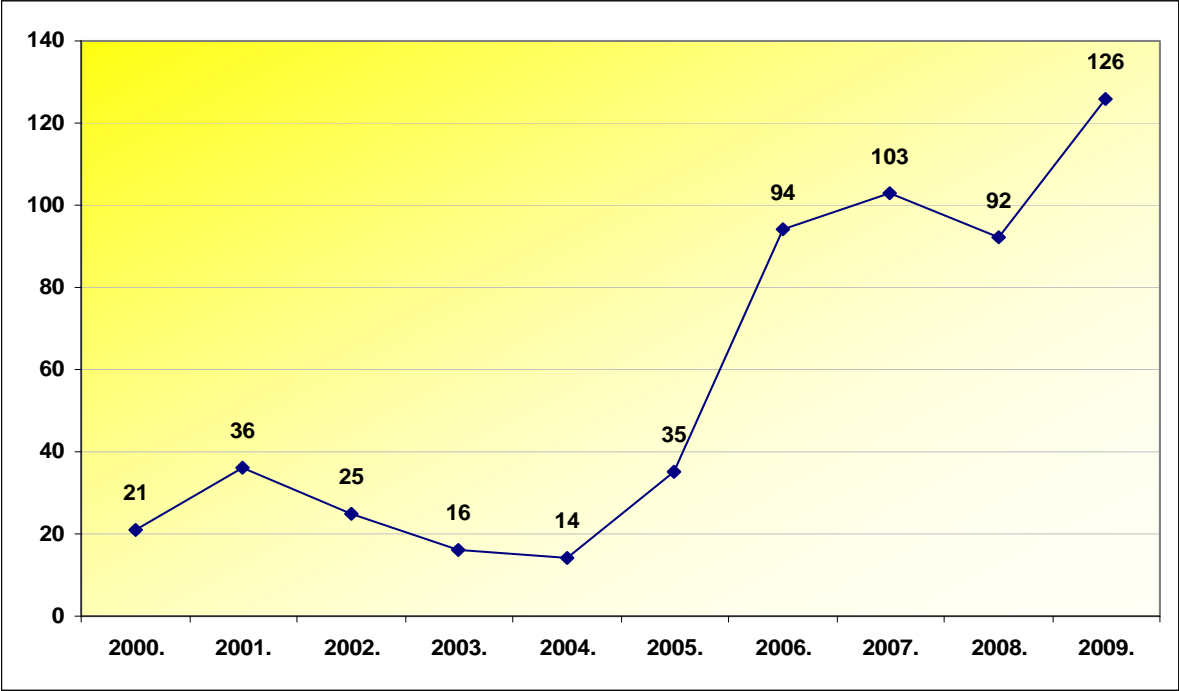


Chart 7.1.9.
Accused adults by the type of decision on a criminal offence comprising the infringement of the industrial property rights and unauthorized use of somebody else's firm, Art. 285 CC - Court decisions

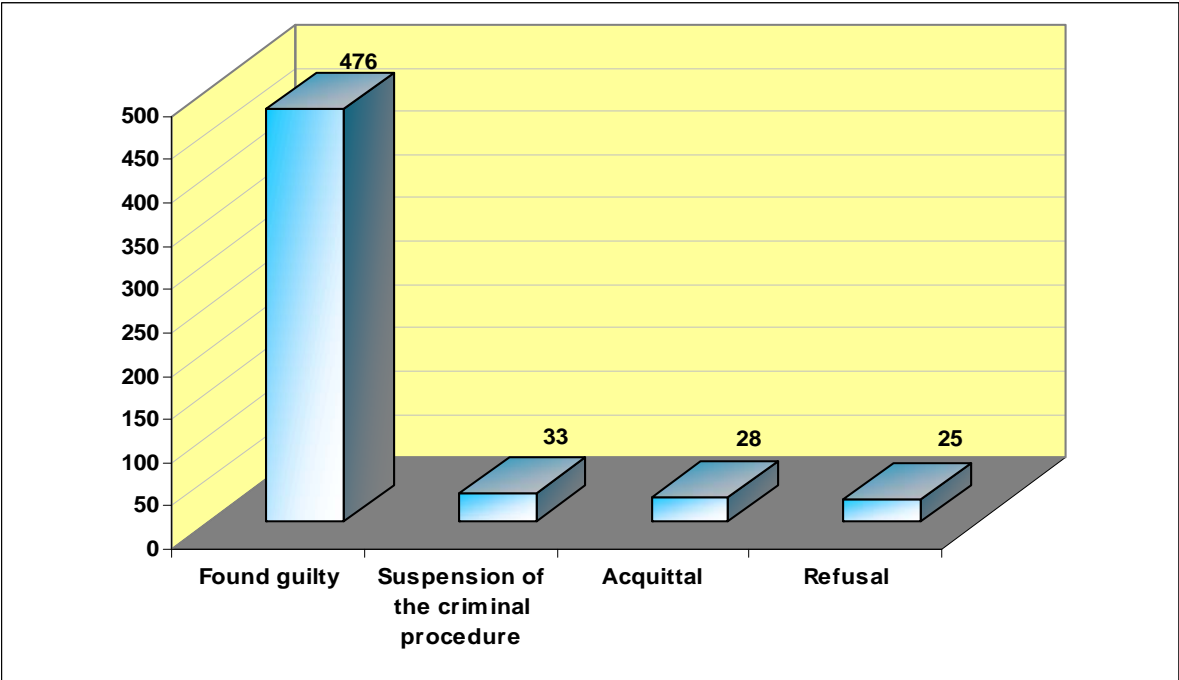


Table 7.1.7.

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
2000.	1	0	0	0	1	0	71	0	5	15	20	21	10
2001.	3	0	1	2	0	0	72	1	6	21	17	13	14
2002.	0	0	0	0	0	0	89	0	6	30	27	14	12
2003.	0	0	0	0	0	0	120	2	14	38	42	15	9
2004.	3	1	1	1	0	0	118	1	16	38	37	12	14
2005.	2	1	1	0	0	0	119	2	24	40	38	8	7
2006.	1	1	0	0	0	0	147	5	29	49	43	13	8
2007.	1	0	0	0	0	1	122	4	19	43	36	14	6
2008.	4	0	3	1	0	0	151	7	29	54	35	15	11
2009.	7	1	4	2	0	0	116	18	38	39	14	4	3
TOTAL	22	4	10	6	1	1	1.125	40	186	367	309	129	94

Chart 7.1.10.
Unconditional imprisonments for a criminal offence comprising the infringement of copyright – Pirated copies

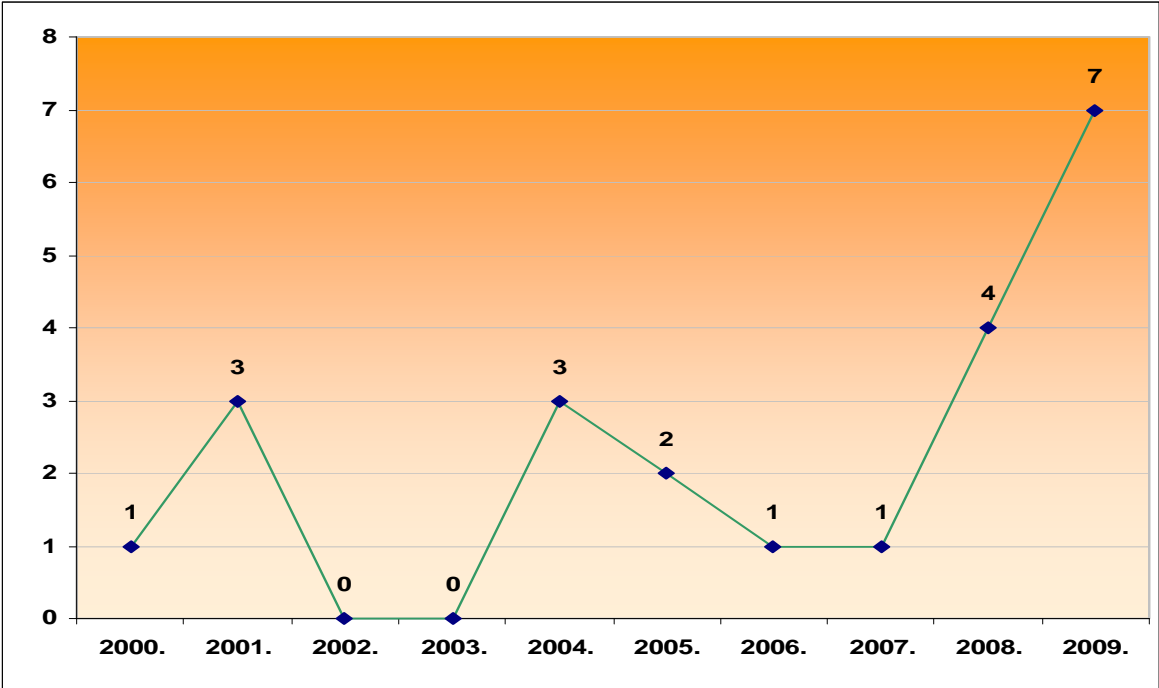


Chart 7.1.11.
Conditional imprisonments for a criminal offence comprising the infringement of copyright – Pirated copies

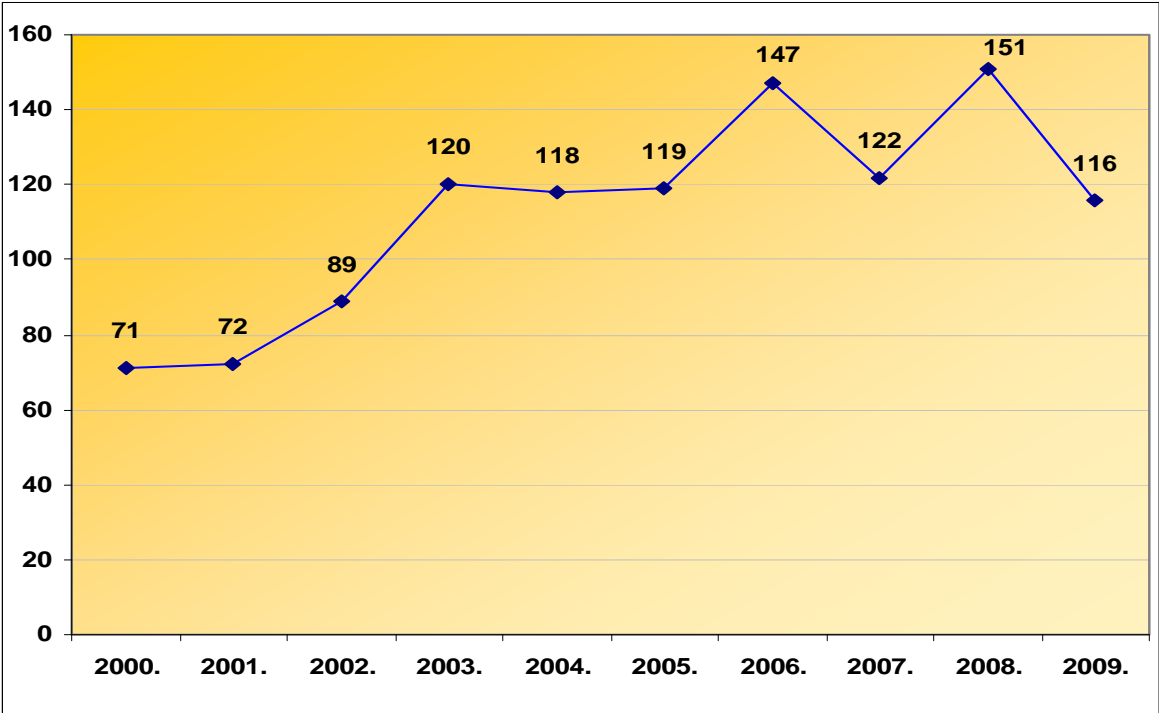


Table 7.1.8.

**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
2000.	114	68	41	2	3	9	6	3	0	0	9	1	0
2001.	130	88	34	5	3	12	9	1	2	0	7	0	0
2002.	279	243	31	2	3	18	14	4	0	0	8	0	0
2003.	165	100	56	5	4	10	6	3	0	1	13	2	0
2004.	101	58	38	3	2	7	4	3	0	0	6	1	0
2005.	90	49	34	2	5	3	2	0	0	1	6	2	0
2006.	92	47	35	2	8	3	0	2	1	0	4	0	1
2007.	64	29	24	5	6	5	1	1	2	1	2	0	0
2008.	65	30	31	1	3	4	1	3	0	0	2	0	0
2009.	35	29	5	1	0	7	3	3	0	1	1	0	0
TOTAL	1.135	741	329	28	37	78	46	23	5	4	58	6	1

Chart 7.1.12.
Unconditional fine (expressed in daily incomes) for a criminal offence comprising the infringement of copyright – Pirated copies

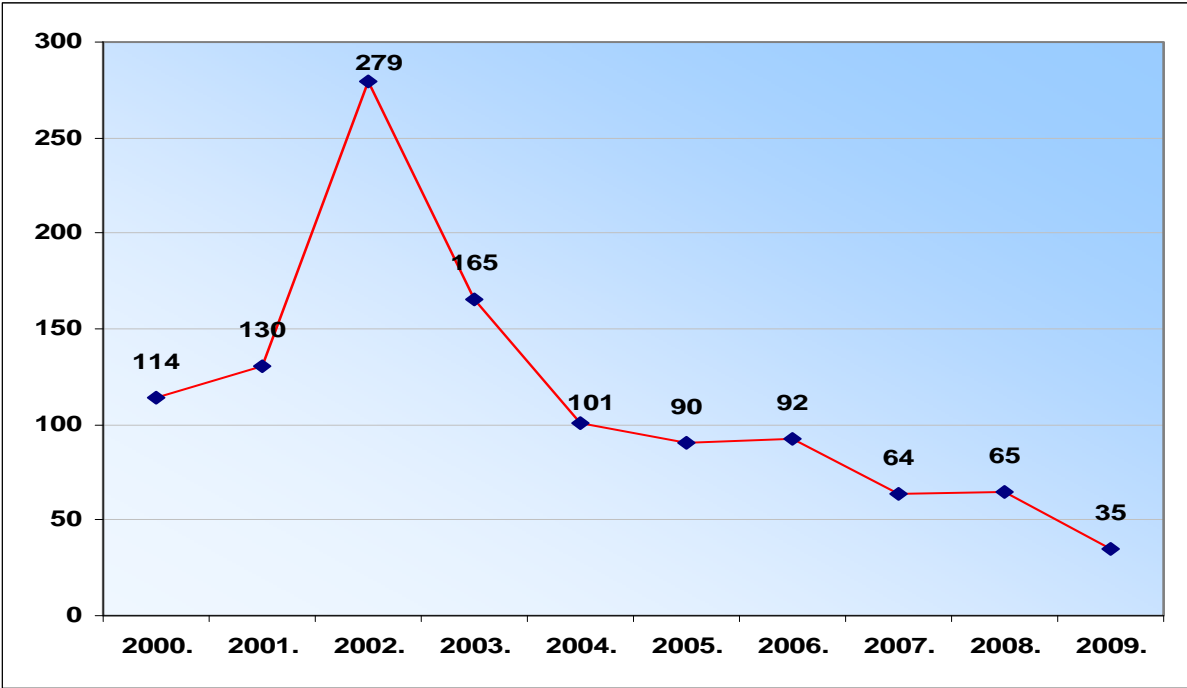


Chart 7.1.13.
Conditional fine (expressed in daily incomes) for a criminal offence comprising the infringement of copyright – Pirated copies

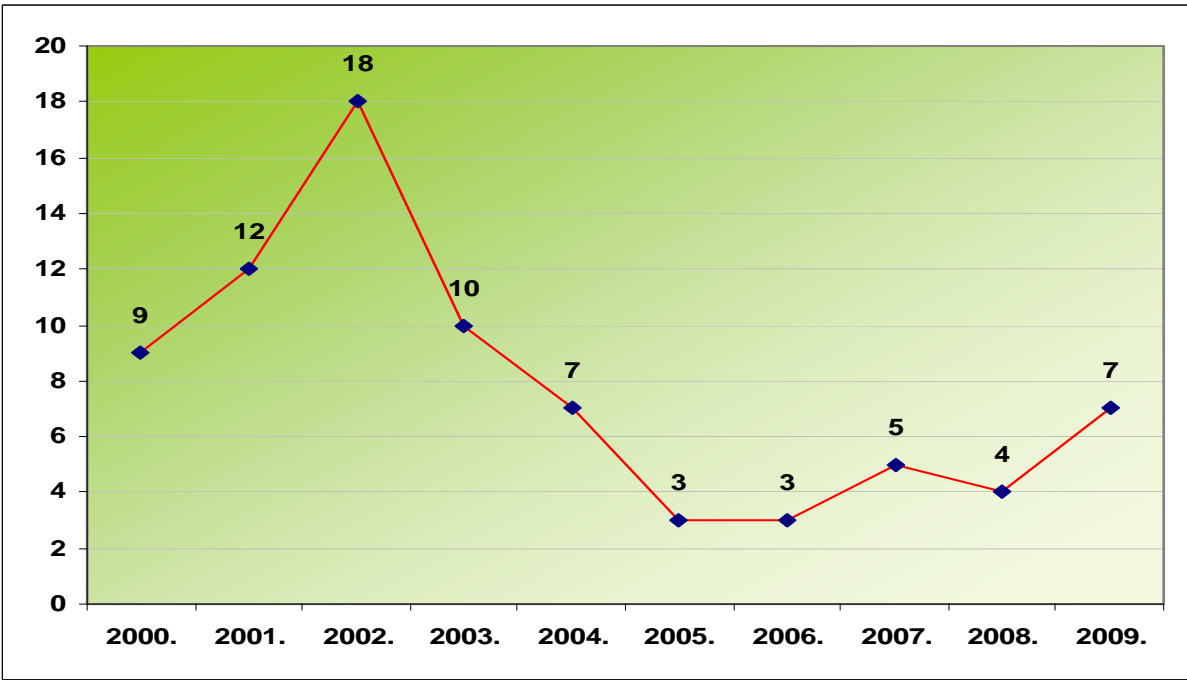


Table 7.1.9.

**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
2000.	0	0	0	0	8	0	0	0	2	5
2001.	0	0	0	0	12	0	5	3	2	2
2002.	1	0	0	1	5	0	2	1	0	0
2003.	0	0	0	0	6	1	3	0	0	0
2004.	0	0	0	0	5	0	4	1	0	0
2005.	0	0	0	0	13	0	2	10	0	1
2006.	0	0	0	0	26	0	11	13	1	0
2007.	1	0	1	0	35	0	9	13	5	5
2008.	1	1	0	0	53	13	14	15	6	5
2009.	2	1	1	0	20	5	5	0	10	0
TOTAL	5	2	2	1	183	19	55	56	26	18

Table 7.1.10.

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
2000.	9	5	0	2	0	0	0	0	0	0
2001.	4	4	0	0	0	0	0	0	0	0
2002.	5	2	0	0	1	0	0	0	0	0
2003.	3	1	0	0	0	0	0	0	0	0
2004.	3	0	0	0	0	0	0	0	0	0
2005.	18	0	4	0	0	0	0	2	0	0
2006.	62	19	5	2	0	0	0	0	0	0
2007.	55	22	7	0	1	3	1	0	0	0
2008.	25	12	13	0	0	0	0	0	0	0
2009.	96	14	74	1	0	6	1	0	0	0
TOTAL	280	79	103	5	2	9	2	2	0	0

Chart 7.1.14.
Unconditional fine (expressed in daily incomes) for a criminal offence comprising the infringement of intellectual property rights

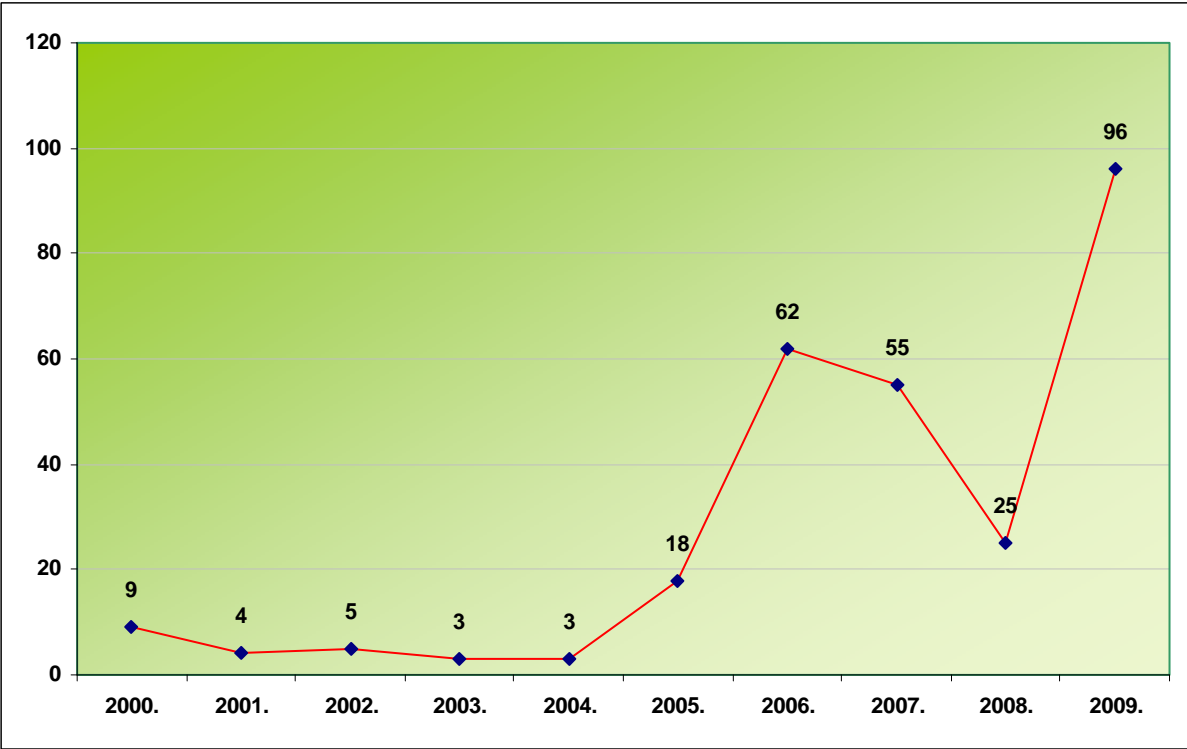


Table 7.1.11.

Convicted persons by sanctions imposed for other infringements – right conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 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
2000.	0	0	0	0	0	0	3	1	2	0	0	0
2001.	0	0	0	0	0	0	2	0	2	0	0	0
2002.	1	0	0	0	0	1	9	7	2	0	0	0
2003.	1	0	1	0	0	0	1	0	1	0	0	0
2004.	2	0	0	0	2	0	0	0	0	0	0	0
2005.	2	1	1	0	0	0	0	0	0	0	0	0
2006.	5	0	0	4	1	0	2	2	0	0	0	0
2007.	11	2	2	4	3	0	7	6	0	1	0	0
2008.	4	0	2	2	0	0	7	2	0	1	4	0
2009.	10	4	6	0	0	0	7	2	0	1	4	0
TOTAL	36	7	12	10	6	1	38	20	7	3	8	0

Chart 7.1.15.
Conditional imprisonment for other infringements – right conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code)

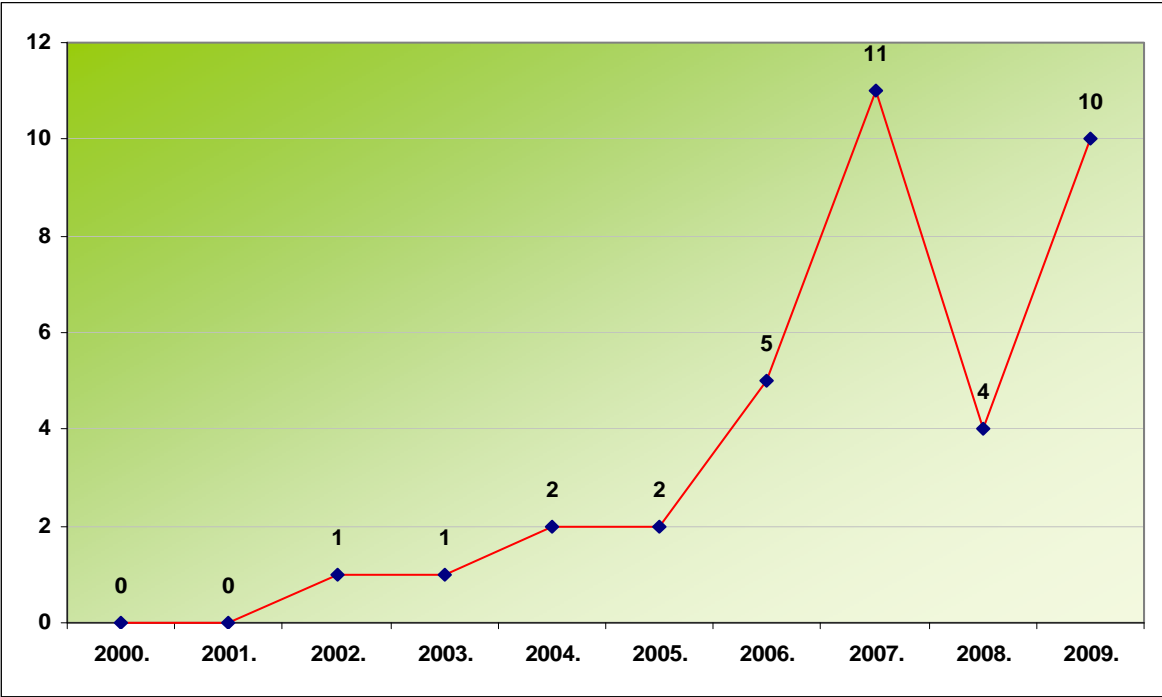


Chart 7.1.16.
Unconditional fine for other infringements – right conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code)

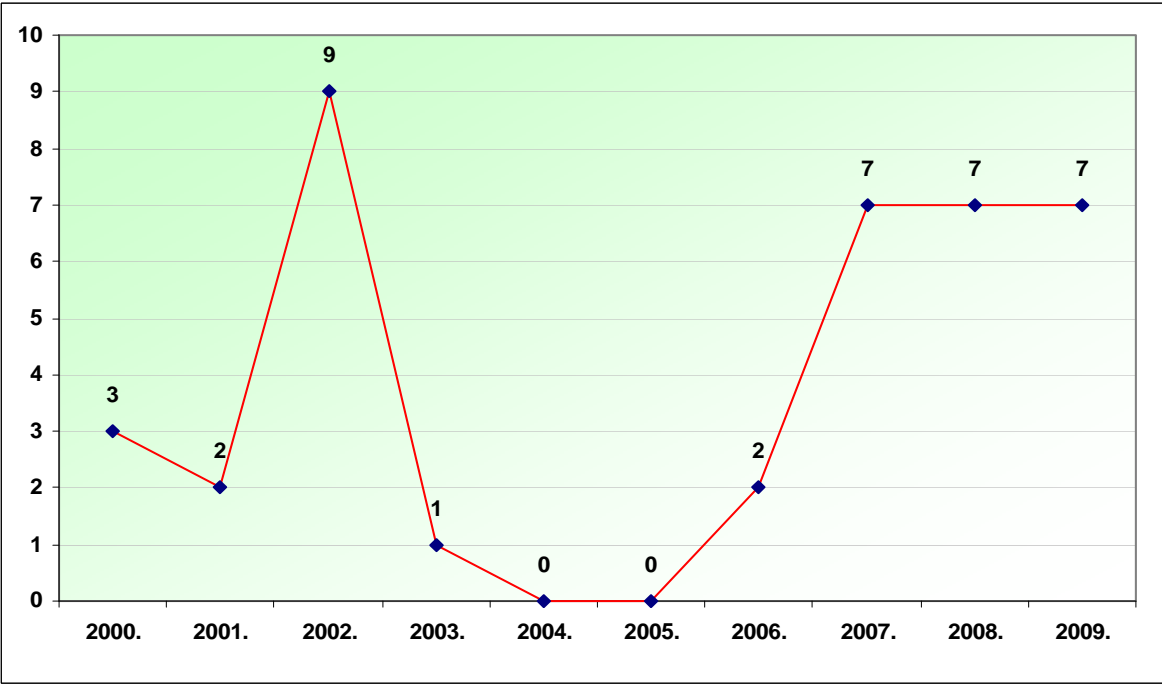


Table 7.1.12.

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	1.222	188
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
2009.	58	8

Chart 7.1.17.

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 was imposed for the infringement of copyright

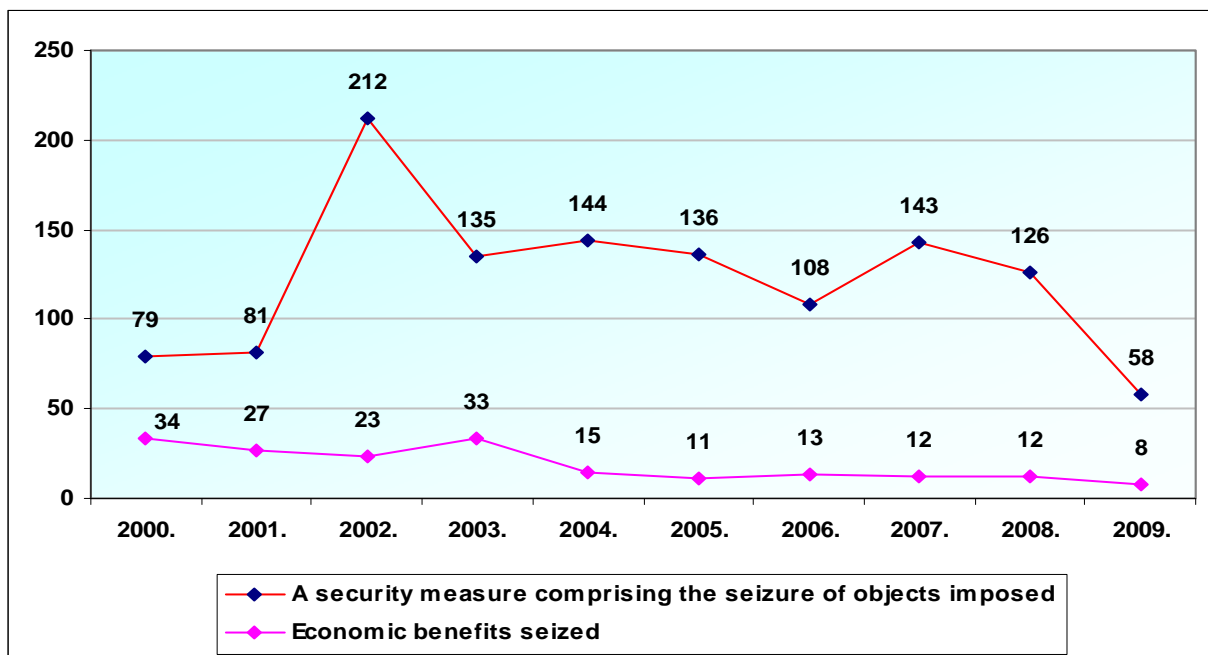


Table 7.1.13.

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	432	423	8	46
2000.	4	3	0	6
2001.	3	3	0	7
2002.	5	5	0	1
2003.	4	4	0	4
2004.	3	3	0	0
2005.	27	27	0	1
2006.	70	70	0	3
2007.	76	75	1	1
2008.	201	201	0	21
2009.	39	32	7	2

Chart 7.1.18.

The number of judicial procedures in which a security measure was imposed for the infringement of industrial property rights

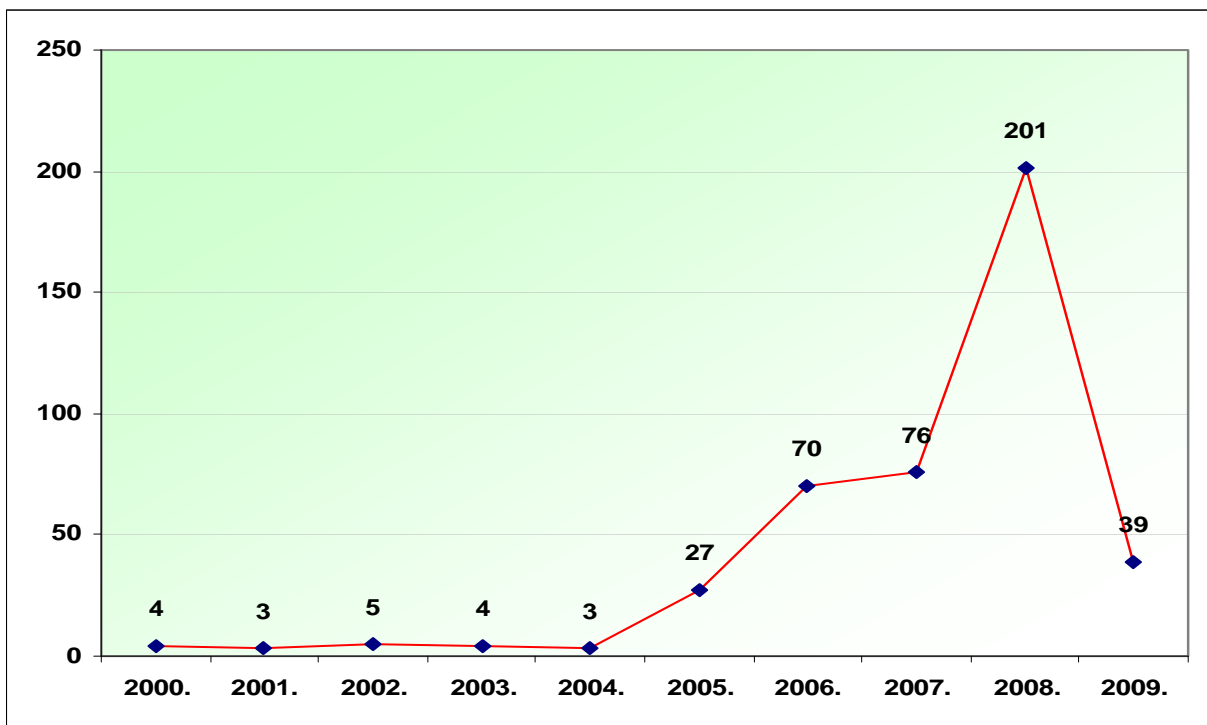


Table 7.1.14.

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
			2.905 HRK	6.308 HRK	10.458 HRK	14.608 HRK	20.750 HRK
2000.	HRK		214.970	277.552	20.916	43.824	0
	EUR	103.000	30.000	38.000	2.900	6.000	0
2001.	HRK		281.785	220.780	73.206	29.216	20.750
	EUR	86.900	39.000	31.000	10.000	4.000	2.900
2002.	HRK		746.585	220.780	20.916	43.824	0
	EUR	142.000	103.000	31.000	2.900	6.000	0
2003.	HRK		307.930	372.172	52.290	58.432	20.750
	EUR	112.100	43.000	51.000	7.200	8.000	2.900
2004.	HRK		180.110	258.628	31.374	29.216	0
	EUR	68.800	25.000	35.500	4.300	4.000	0
2005.	HRK		148.155	214.472	20.916	73.040	0
	EUR	62.900	20.000	30.000	2.900	10.000	0
2006.	HRK		136.535	233.396	31.374	102.256	20.750
	EUR	72.200	19.000	32.000	4.300	14.000	2.900
2007.	HRK		87.150	157.700	73.206	87.648	20.750
	EUR	58.900	12.000	22.000	10.000	12.000	2.900
2008.	HRK		87.150	195.548	10.458	29.216	20.750
	EUR	47.002	11.938	26.787	1.433	4.002	2.842
2009.	HRK		80.144	46.405	41.832	14.608	0
	EUR	25.067	10.979	6.357	5.730	2.001	0

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

Chart 7.1.19.
Account of fines converted in euros as imposed for criminal offences comprising the infringement of copyright (pirated copies)

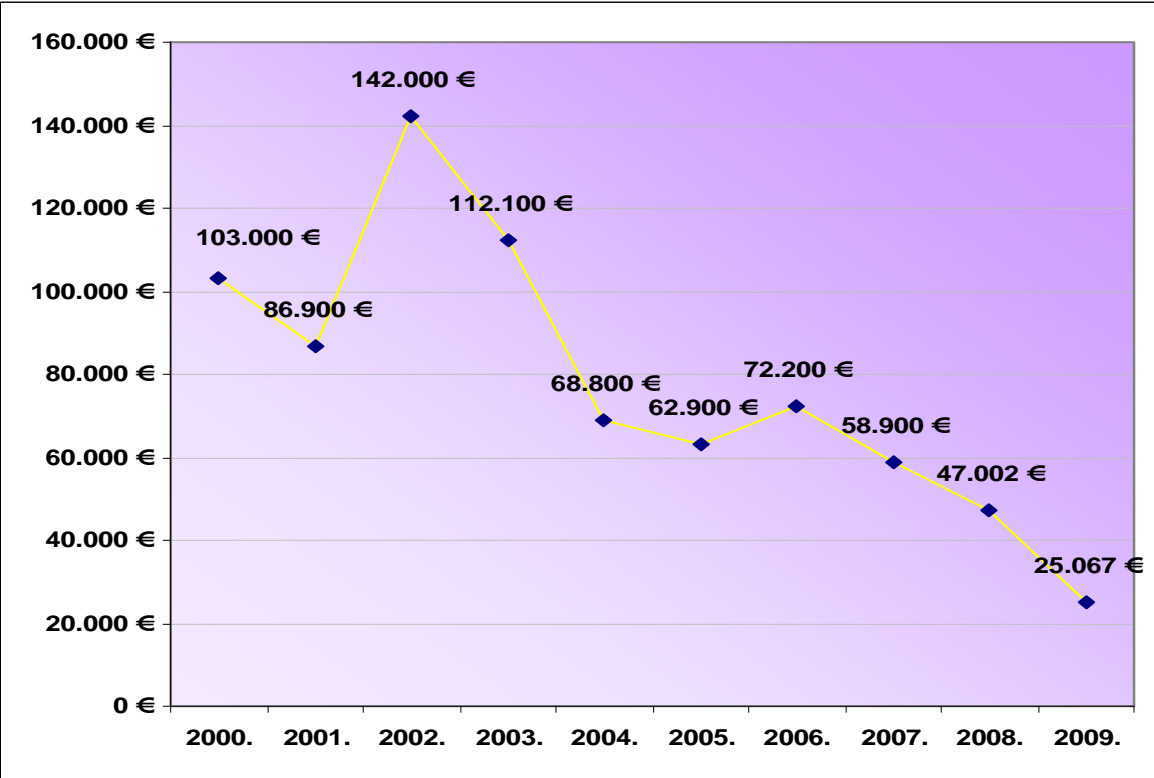


Table 7.1.15.

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
			2.905 HRK	6.308 HRK	10.458 HRK	14.608 HRK	20.750 HRK
2000.	HRK		14.525	5.810	0	0	41.500
	EUR	8.500	2.000	800	0	0	5.700
2001.	HRK		11.620	0	0	0	0
	EUR	1.600	1.600	0	0	0	0
2002.	HRK		8.715	18.924	0	0	0
	EUR	3.800	1.200	2.600	0	0	0
2003.	HRK		2.905	6.308	0	14.608	0
	EUR	3.300	400	900	0	2.000	0
2004.	HRK		0	18.924	0	0	0
	EUR	2.600	0	2.600	0	0	0
2005.	HRK		0	69.388	41.832	43.824	0
	EUR	21.300	0	9.500	5.800	6.000	0
2006.	HRK		55.195	195.548	52.290	73.040	41.500
	EUR	57.500	7.600	27.000	7.200	10.000	5.700
2007.	HRK		66.815	138.776	83.664	102.256	0
	EUR	53.700	9.200	19.000	11.500	14.000	0
2008.	HRK		34.860	69.388	10.458		
	EUR	15.713	4.775	9.505	1.433	0	0
2009.	HRK		30.005	62.358	33.412	3.333	21.258
	EUR	20.598	4.110	8.542	4.577	457	2.912

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

Chart 7.1.20.
Account of fines converted in euros as imposed for criminal offences comprising the infringement of industrial property rights

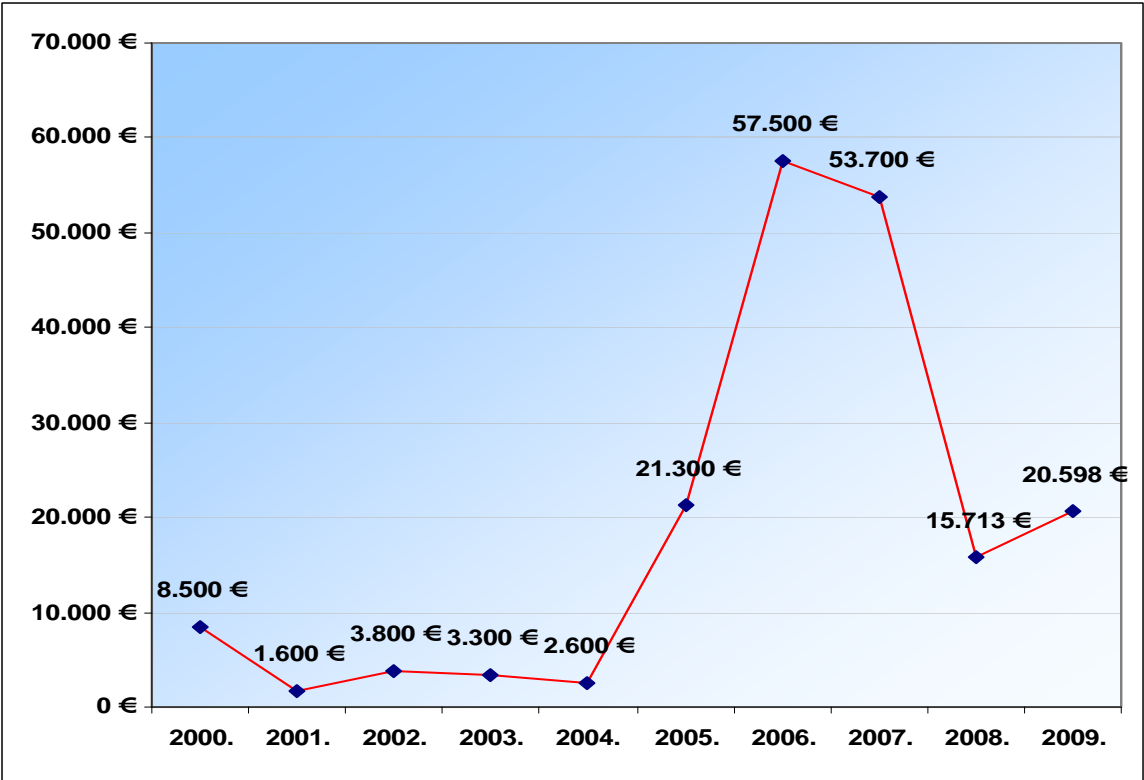


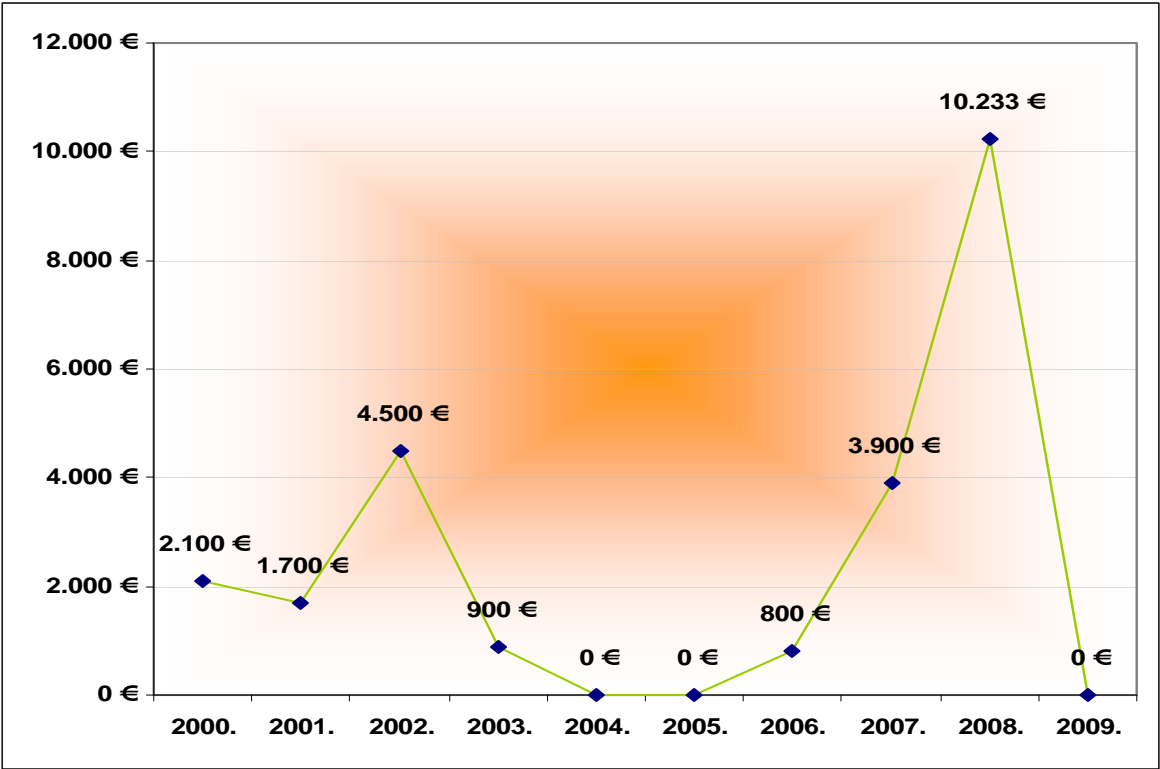
Table 7.1.16.

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
			2.905 HRK	6.308 HRK	10.458 HRK	14.608 HRK	20.750 HRK
2000.	HRK		2.905	12.616	0	0	0
	EUR	2.100	400	1.700	0	0	0
2001.	HRK		0	12.616	0	0	0
	EUR	1.700	0	1.700	0	0	0
2002.	HRK		20.335	12.616	0	0	0
	EUR	4.500	2.800	1.700	0	0	0
2003.	HRK		0	6.308	0	0	0
	EUR	900	0	900	0	0	0
2004.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0
2005.	HRK	0	0	0	0	0	0
	EUR	0	0	0	0	0	0
2006.	HRK		5.810	0	0	0	0
	EUR	800	800	0	0	0	0
2007.	HRK		17.430	0	10.458	0	0
	EUR	3900	2.400	0	1.500	0	0
2008.	HRK		5.810	0	10.458	58.432	0
	EUR	10.233	796	0	1.433	8.004	0
2009.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0

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

Chart 7.1.21.
Account of fines converted in euros as imposed for criminal offences comprising the infringement of the rights conferred by a protected invention



7.2. Misdemeanor decisions and sanctions

Table 7.2.1.

Data on the types of court decisions issued against the committers of misdemeanours in the field of intellectual property in 2009

Infringement of provisions	Accused	Found guilty	Suspension of the misdemeanour procedure		Protective measures
			Total	Limitation	
Total	3.639	1.757	713	136	41
Infringement of the copyright provisions	3.329	1.635	698	121	18
Infringement of the trademark provisions	306	120	15	15	23
Infringement of the patent provisions	3	1	0	0	0
Infringement of the industrial design provisions	1	1	0	0	0
Infringement of the provisions on geographical indications	0	0	0	0	0

Table 7.2.2.
Misdemeanour procedures against natural persons for the infringement of the copyright provisions from 2000 to 2009

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
2000.	2.184	1.576	0	1.479	97
2001.	4.231	2.570	0	2.296	274
2002.	4.963	2.896	0	2.599	297
2003.	4.370	2.386	0	2.030	356
2004.	4.743	2.356	0	2.086	270
2005.	4.159	2.116	6	1.886	224
2006.	4.741	2.301	0	2.129	172
2007.	2.911	1.731	1	1.657	73
2008.	3.186	1.914	0	1.783	131
2009.	1.676	815	0	796	19
TOTAL	37.164	20.661	7	18.741	1.913

Chart 7.2.1.
Accused and found guilty (natural persons) for the infringement of the copyright provisions from 2000 to 2009

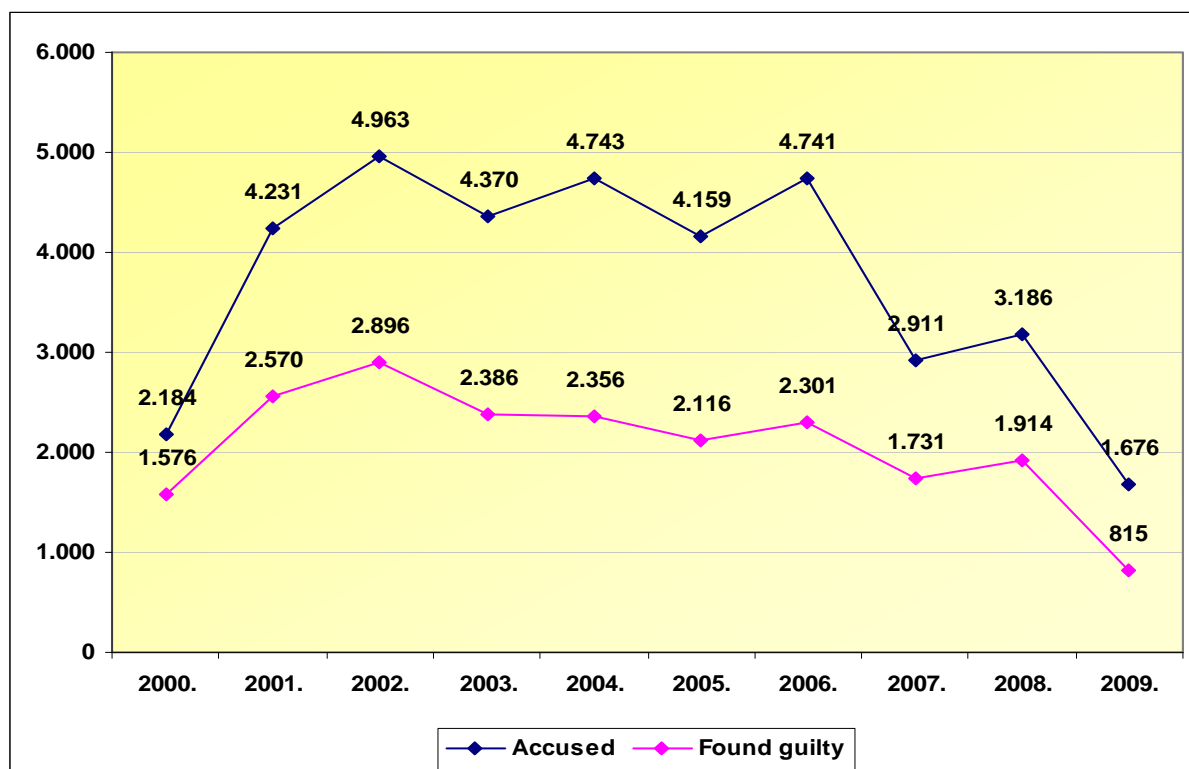


Table 7.2.3.
Misdemeanour procedures against legal and responsible persons for the infringement of the copyright provisions from 2000 to 2009

	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
2009.	1.199	375	362	13
TOTAL	13.824	3.891	3.151	740

Chart 7.2.2.
Accused and found responsible (legal and responsible persons) for the infringement of the copyright provisions from 2000 to 2009

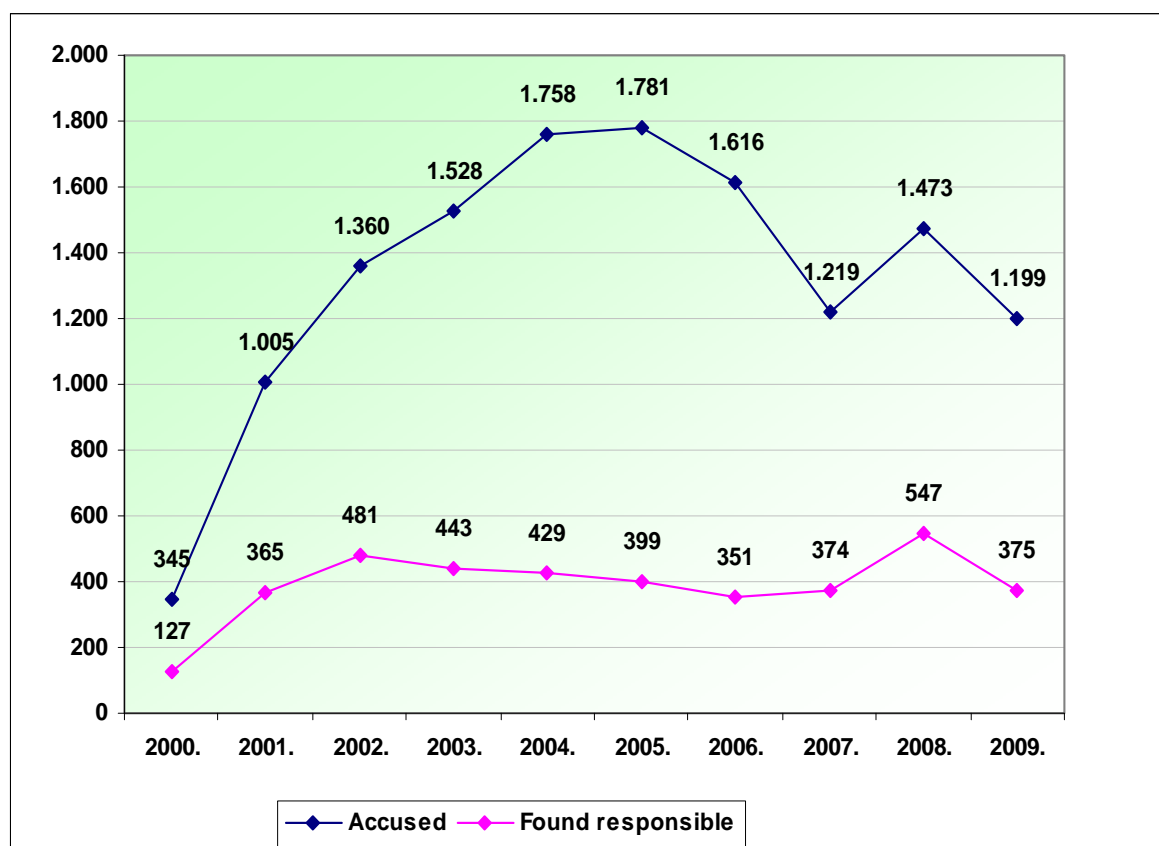


Table 7.2.4.
Misdemeanour procedures relating to the infringement of the trademark and other indications provisions from 2000 to 2009 (adult persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
2000.	397	300	0	266	34
2001.	430	325	0	282	43
2002.	387	297	0	237	60
2003.	341	260	0	202	58
2004.	278	194	0	150	44
2005.	227	161	0	135	26
2006.	179	122	0	104	18
2007.	170	136	0	130	6
2008.	133	105	0	92	13
2009.	144	95	0	87	8
TOTAL	2.686	1.995	0	1.685	310

Chart 7.2.3.
Accused and found guilty natural persons - the infringement of the trademark and other indications provisions from 2000 to 2009

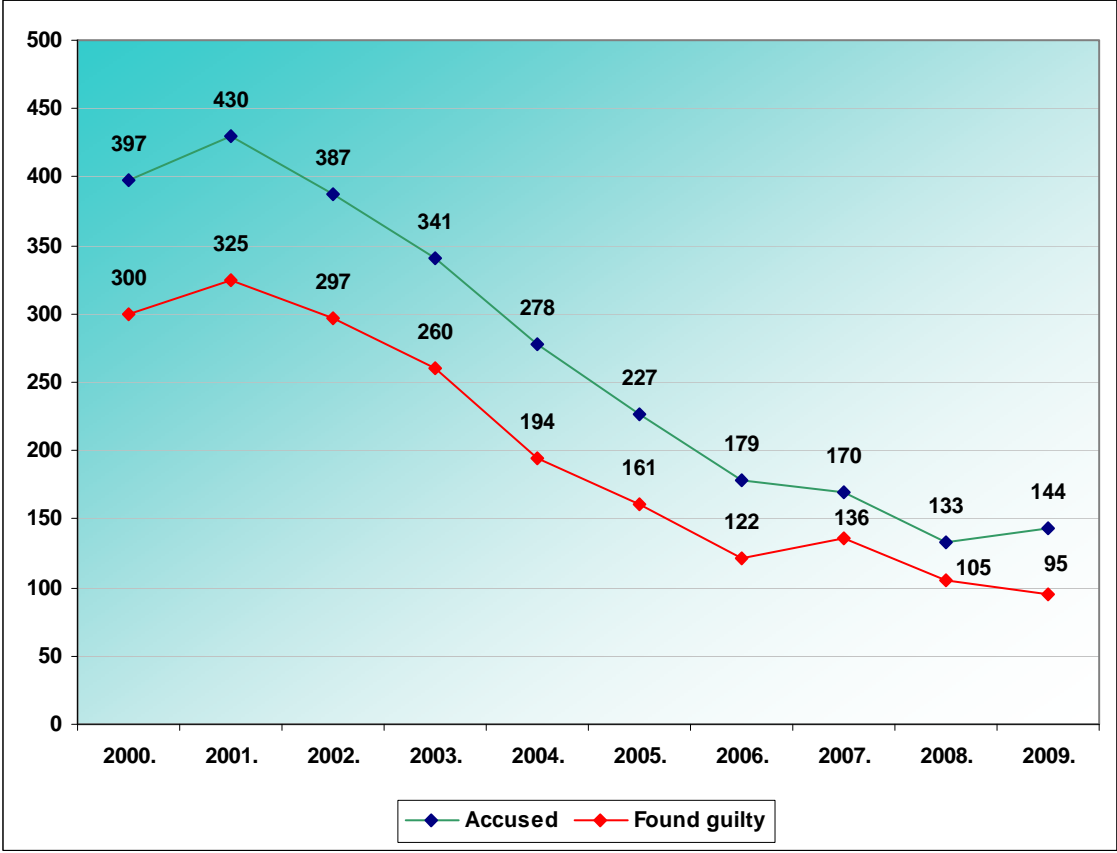


Chart 7.2.4.
Accused and found guilty natural persons - infringement of the provisions on trademarks and other indications, 2000 – 2009

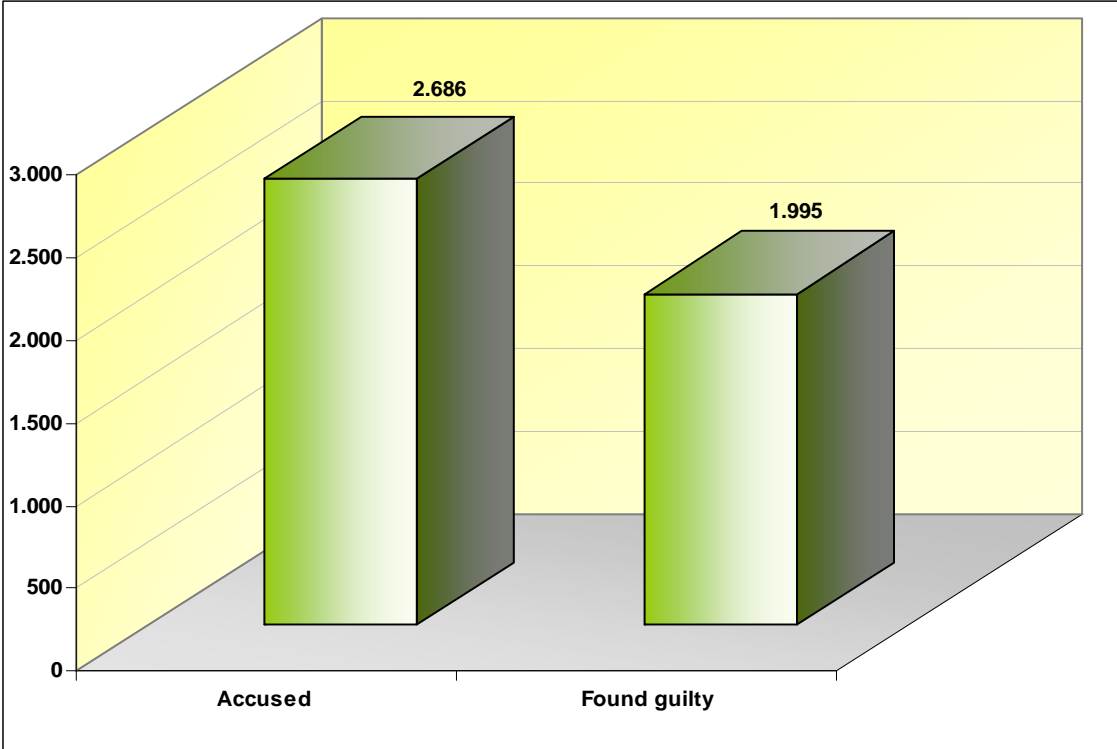


Table 7.2.5.**Misdemeanour procedures relating to the infringement of the trademark and other indications provisions from 2000 to 2009 (legal and responsible persons)**

	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
2009.	141	58	56	2
TOTAL	2.288	1.186	906	280

Chart 7.2.5.
Accused and found responsible (legal and responsible persons) – infringement of the trademark and other indications provisions from 2000 to 2009

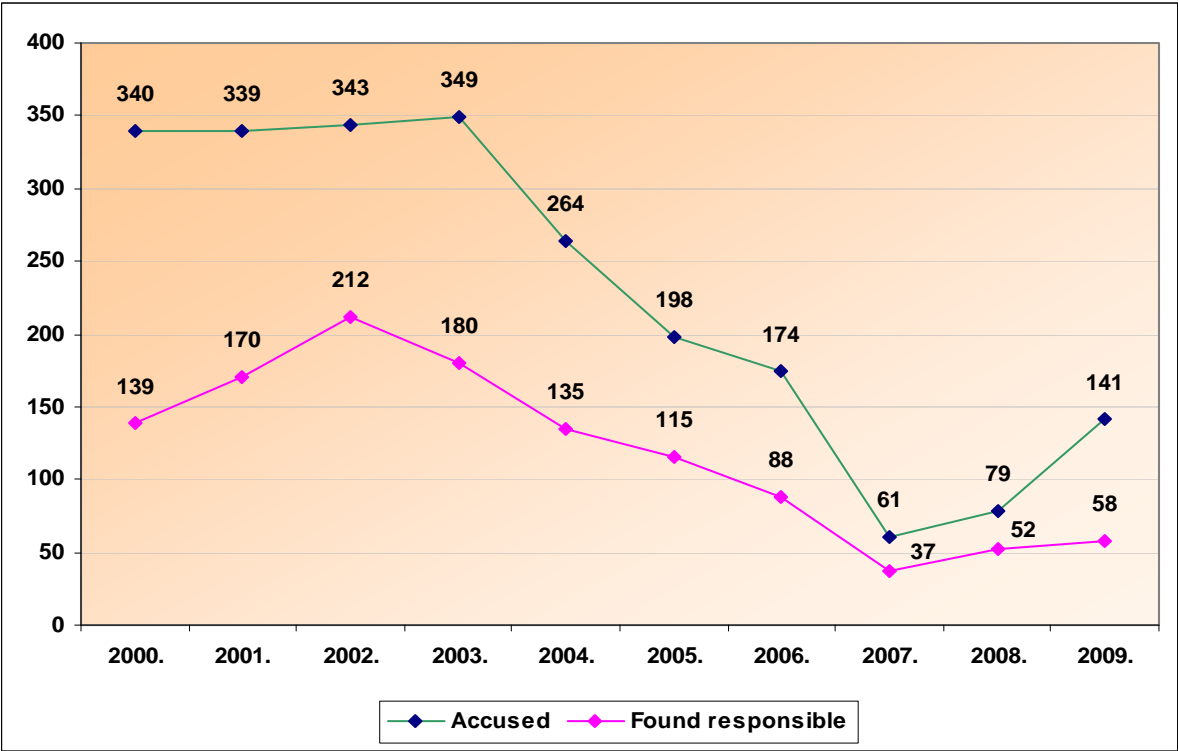


Chart 7.2.6.
Accused and found guilty legal and responsible persons - infringement of the provisions on trademarks and other indications, 2000 - 2009

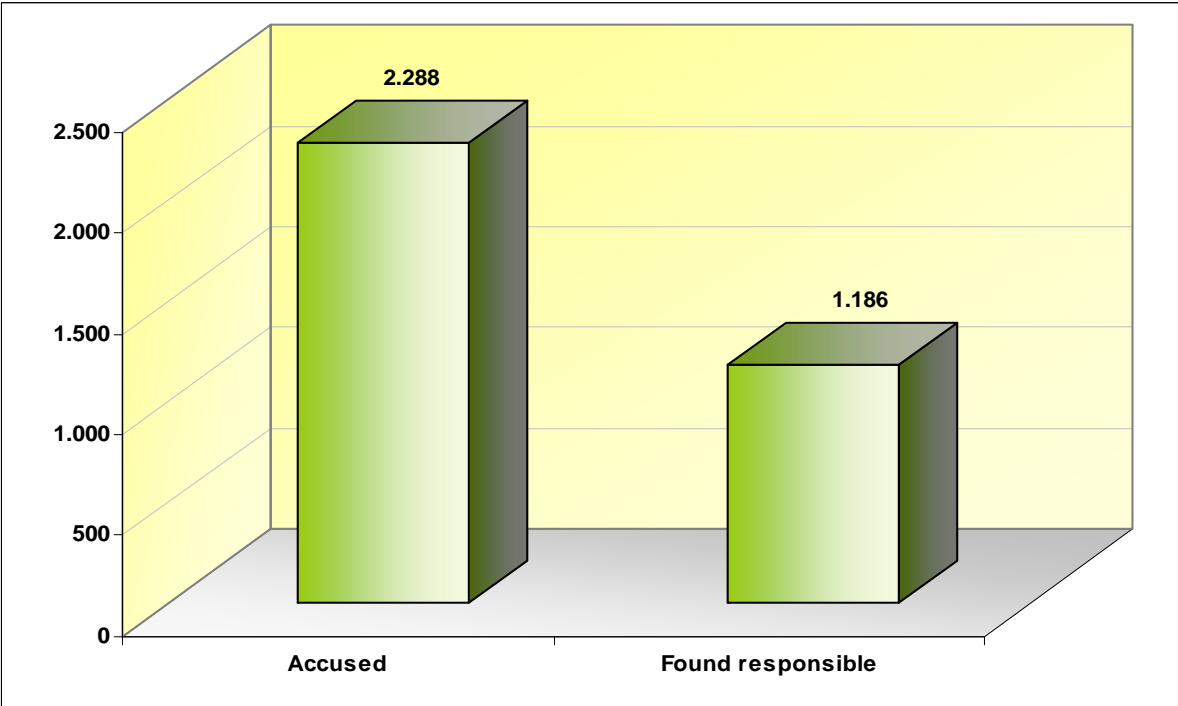


Table 7.2.6.

Misdemeanour procedures relating to the infringement of the patent and technical improvements provisions from 2000 to 2009 (adult persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
2000.	56	39	0	35	4
2001.	19	19	0	16	3
2002.	1	1	0	1	0
2003.	1	0	0	0	0
2004.	0	0	0	0	0
2005.	2	2	0	0	2
2006.	5	5	0	5	0
2007.	3	2	0	2	0
2008.	1	1	0	1	0
2009.	0	0	0	0	0
TOTAL	88	69	0	60	9

Chart 7.2.7.

Accused and found guilty (natural persons) - infringement of the patent and technical improvements provisions, 2000 - 2009

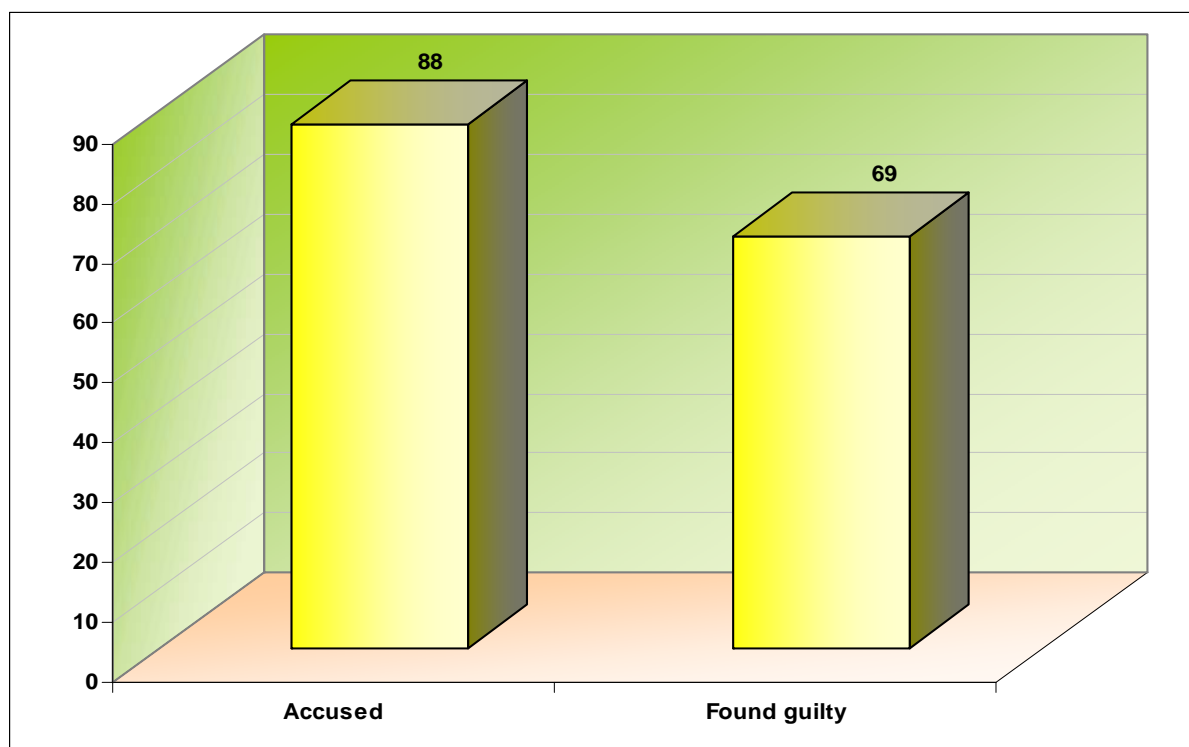


Table 7.2.7.

Misdemeanour procedures relating to the infringement of the patent and technical improvements provisions from 2000 to 2009 (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	0
2003.	0	0	0	0
2004.	0	0	0	0
2005.	1	1	0	1
2006.	0	0	0	0
2007.	0	0	0	0
2008.	2	2	2	0
2009.	0	0	0	0
TOTAL	68	41	37	4

Chart 7.2.8.

Accused and found guilty legal and responsible persons - infringement of the patent and technical improvements provisions, 2000 - 2009

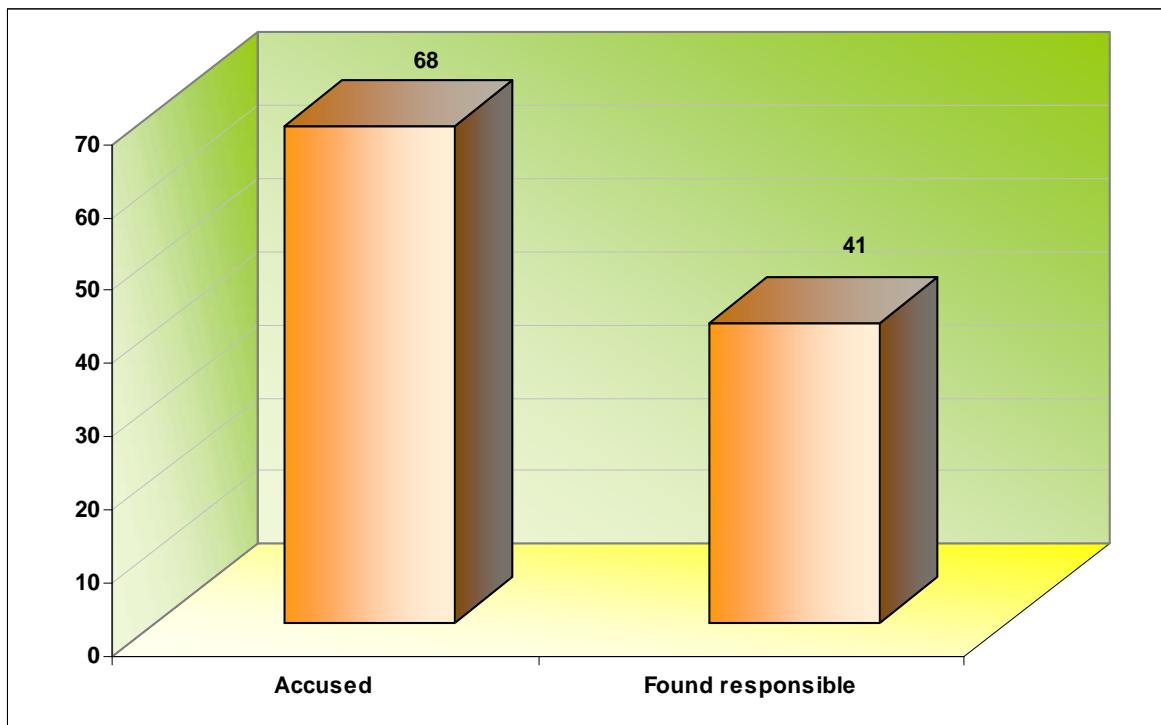


Table 7.2.8.**Fines in HRK imposed on natural persons – infringement of the copyright provisions from 2000 to 2009**

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL	18.741	4.416	8.421	5.744	144	16
2000.	1.479	477	681	318	3	0
2001.	2.296	709	1.189	396	2	0
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
2009.	796	144	224	376	45	7

Table 7.2.9.

Fines in HRK imposed to legal and responsible persons – infringement of the copyright provisions from 2000 to 2009

	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	3.151	879	936	1.146	159	25	6
2000.	105	47	46	8	4	0	0
2001.	300	175	55	60	6	4	0
2002.	418	231	81	91	14	1	0
2003.	333	37	132	139	20	3	2
2004.	307	97	108	85	16	1	0
2005.	296	67	127	94	8	0	0
2006.	265	12	58	163	24	7	1
2007.	325	86	118	116	2	2	1
2008.	440	102	123	211	4	0	0
2009.	362	25	88	179	61	7	2

Table 7.2.10.

Fines in HRK imposed to natural persons – infringement of the trademark provisions from 2000 to 2009

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL	1.698	390	578	704	21	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	0
2004.	150	33	63	53	0	1
2005.	135	25	55	54	1	0
2006.	104	14	45	44	1	0
2007.	130	7	39	83	1	0
2008.	105	12	48	39	6	0
2009.	87	1	8	75	3	0

Table 7.2.11.

Fines in HRK imposed to legal and responsible persons – infringement of the trademark provisions from 2000 to 2009

	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	919	269	332	264	35	5	14
2000.	105	35	27	41	2	0	0
2001.	144	55	53	35	1	0	0
2002.	172	77	48	44	3	0	0
2003.	128	36	48	33	1	0	10
2004.	99	16	65	16	2	0	0
2005.	79	29	29	20	1	0	0
2006.	53	8	24	19	2	0	0
2007.	31	5	17	9	0	0	0
2008.	52	8	20	20	4	0	0
2009.	56	0	1	27	19	5	4

Table 7.2.12.

Fines in HRK imposed to natural persons – infringement of the patent and technical improvements provisions from 2000 to 2009

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL	60	24	28	7	1	0
2000.	35	17	14	4	0	0
2001.	16	3	11	2	0	0
2002.	1	0	0	1	0	0
2003.	0	0	0	0	0	0
2004.	0	0	0	0	0	0
2005.	0	0	0	0	0	0
2006.	5	3	2	0	0	0
2007.	2	1	0	0	1	0
2008.	1	0	1	0	0	0
2009.	0	0	0	0	0	0

Table 7.2.13.

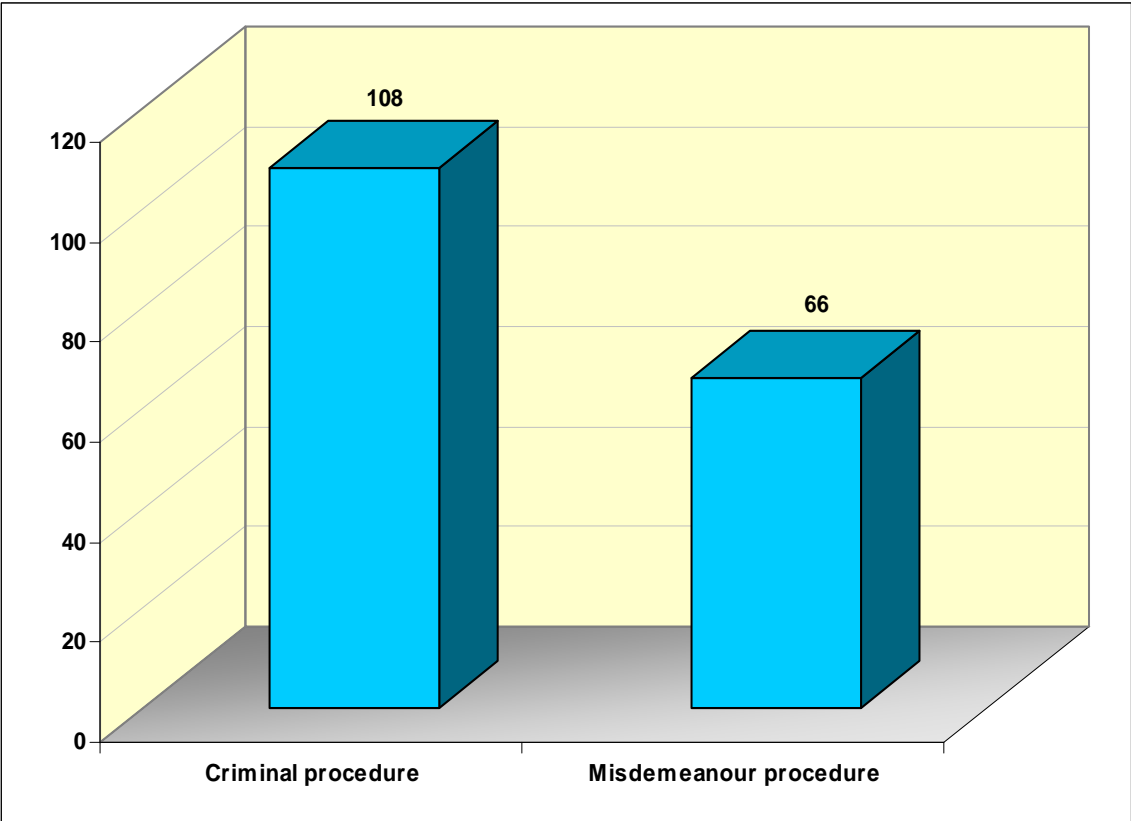
Fines in HRK imposed to legal and responsible persons – infringement of the patent and technical improvements provisions from 2000 to 2009

	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	37	28	7	2	0	0	0
2000.	16	14	2	0	0	0	0
2001.	18	14	3	1	0	0	0
2002.	1	0	0	1	0	0	0
2003.	0	0	0	0	0	0	0
2004.	0	0	0	0	0	0	0
2005.	0	0	0	0	0	0	0
2006.	0	0	0	0	0	0	0
2007.	0	0	0	0	0	0	0
2008.	2	0	2	0	0	0	0
2009.	0	0	0	0	0	0	0

Table 7.2.14.
Juvenile committers - Infringement of the copyright provisions from 1998 to 2009

Criminal procedure	Misdemeanour procedure
108	66

Chart 7.2.9.
Juvenile committers - Infringement of the copyright provisions from 1998 to 2009



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

In 2009, the Administrative Court of the Republic of Croatia issued 8 decisions in administrative disputes relating to the infringements of the trademarks provisions (in 3 procedures a legal action was refused, in 2 cases the procedure was suspended, 2 legal actions were rejected, and 1 legal action was accepted). Relating to the infringement of the patents provisions, 4 cases were closed (3 legal actions were refused and 1 legal action was accepted). Relating to the infringements of the industrial designs provisions, no decisions have been made.

In 2008, commercial courts closed a total number of 1.092 cases (35% less than in 2008). The High Commercial Court closed 261 cases (46% less than in 2008).

The data on the number of cases received by commercial courts in 2009, show that the majority of cases (like in 2008) were received by the Commercial Court in Zagreb (624, 4% more than in 2008), and the Commercial Court in Rijeka (247 cases, 11% less than in 2008).

Table 8.1.
Cases before the administrative court (1.1.2009. - 31.12.2009.)

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	164	4	1	3	2	2	8	160
PATENTS	11	1	1	3	0	0	4	8
INDUSTRIAL DESIGNS	3	2	0	0	0	0	0	5

Table 8.2.
Cases before commercial courts (1.1.2009. - 31.12.2009.)

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	476	623	524	126	5	279	2	17	1	5	1	4	84	575
%			100	24,0	1,0	53,2	0,4	3,2	0,2	1,0	0,2	0,8	16,0	
Rijeka	251	247	261	33	3	43	100	48	0	3	3	0	28	237
%			100	12,6	1,1	16,5	38,3	18,4	0,0	1,1	1,1	0,0	10,7	
Split	201	134	193	51	0	35	33	37	3	8	0	3	23	142
%			100	26,4	0,0	18,1	17,1	19,2	1,6	4,1	0,0	1,6	11,9	
Osijek	17	110	114	92	3	0	2	0	0	1	1	0	15	13
%			100	80,7	2,6	0,0	1,8	0,0	0,0	0,9	0,9	0,0	13,2	

Table 8.3.
Cases before commercial courts – collective (1.1.2009. - 31.12.2009.)

	TYPE OF INFRINGEMENT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	PROVISIONAL MEASURES AND PRELIMINARY MEASURES	CLAIM			MANNER OF CLOSING A CASE										CASES CLOSED TOTAL	NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD	
					ACCEPTED	REFUSED	PARTIALLY ACCEPTED	BY A JUDGMENT	JUDGMENT BY CONFESSION	JUDGMENT WITHOUT A HEARING	JUDGMENT BY WAIVER	JUDGMENT BY DEFAULT	JUDGMENT BY ABSENCE	SETTLEMENT	REJECTION	OTHERWISE	REFERRAL TO ANOTHER COURT			
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
COMMERCIAL COURTS TOTAL	TRADEMARK	41	24	5	4	4	0	9	0	0	0	1	0	4	0	6	0	20	45	
	PATENT	12	2	0	2	1	0	4	0	0	0	1	0	0	0	0	0	5	9	
	INDUSTRIAL DESIGN	11	5	0	1	3	1	4	0	0	0	1	0	0	0	2	0	7	9	
	GEOGRAPHICAL INDICATION	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	
	COPYRIGHT	COLLECTIVE	759	998	0	818	8	9	252	10	11	1	514	53	10	3	118	2	974	783
		INDIVIDUAL	113	81	5	34	8	2	33	1	6	0	11	0	2	2	27	2	84	110
	OTHER	0	4	0	1	0	1	0	0	0	0	0	0	0	1	0	1	0	2	2
	TOTAL	945	1.114	10	860	24	13	302	11	17	1	528	53	17	5	154	4	1.092	967	

Table 8.4.
Cases before the High Commercial Court (1.1.2009. - 31.12.2009.)

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				
	411	235	261	183	15	19	22	3	4	15	385
			100	70,1	5,7	7,3	8,4	1,1	1,5	5,7	

9. DURATION OF THE PROCEDURE BEFORE COURTS

9.1. Duration of procedure by filing of a criminal offence report

Table 9.1.1.

Duration of the procedure from filing of a criminal offence report to the final court decision in 2009

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	0	0	0	0	0	2	0	0	0	0	0	0	0
%	100	0,0	0,0	0,0	0,0	0,0	100,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Unauthorized use of an author's work or of a performer's performance, Art.230 CC	208	7	22	23	28	45	49	17	8	7	2	0	0	0
%	100	3,4	10,6	11,1	13,5	21,6	23,6	8,2	3,8	3,4	1,0	0,0	0,0	0,0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC	12	0	0	0	1	3	7	0	0	1	0	0	0	0
%	100	0,0	0,0	0,0	8,3	25,0	58,3	0,0	0,0	8,3	0,0	0,0	0,0	0,0
Infringement of the right conferred by an invention applied for or protected, Art.232 CC	3	0	0	0	0	0	3	0	0	0	0	0	0	0
%	100	0,0	0,0	0,0	0,0	0,0	100,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Infringement of the industrial property rights and un authorized use of somebody else's firm, Art.285 CC	87	6	9	12	16	21	15	2	2	3	0	0	1	0
%	100	6,9	10,3	13,8	18,4	24,1	17,2	2,3	2,3	3,4	0,0	0,0	1,1	0,0

Chart 9.1.1.
Duration of the procedure from filing of a criminal offence report to the final court decision in 2009 – copyright

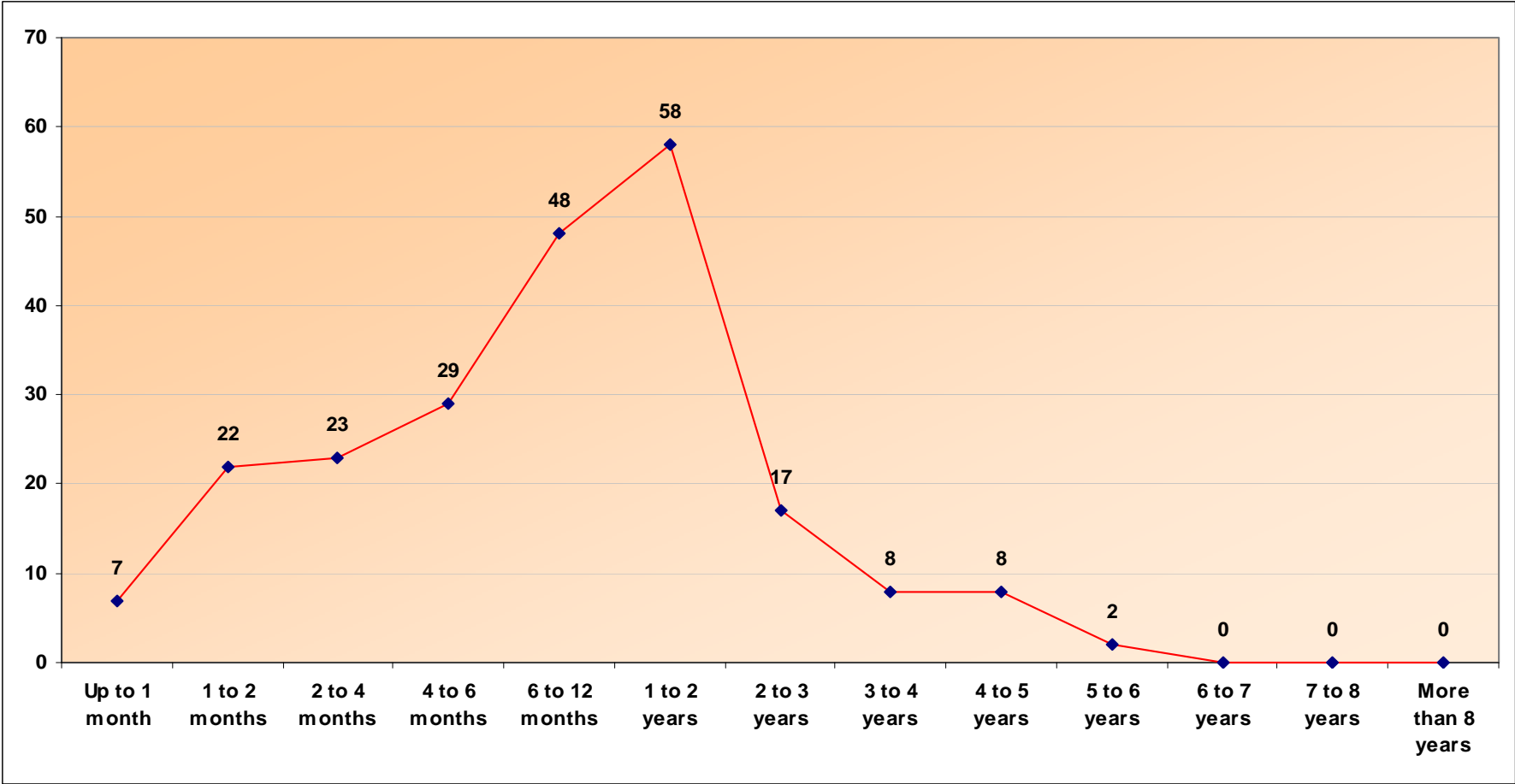


Chart 9.1.2.

**Duration of the procedure by filing of a criminal offence report to the final court decision in 2009
- infringement of the right conferred by an invention applied for or protected, Art.232 CC**

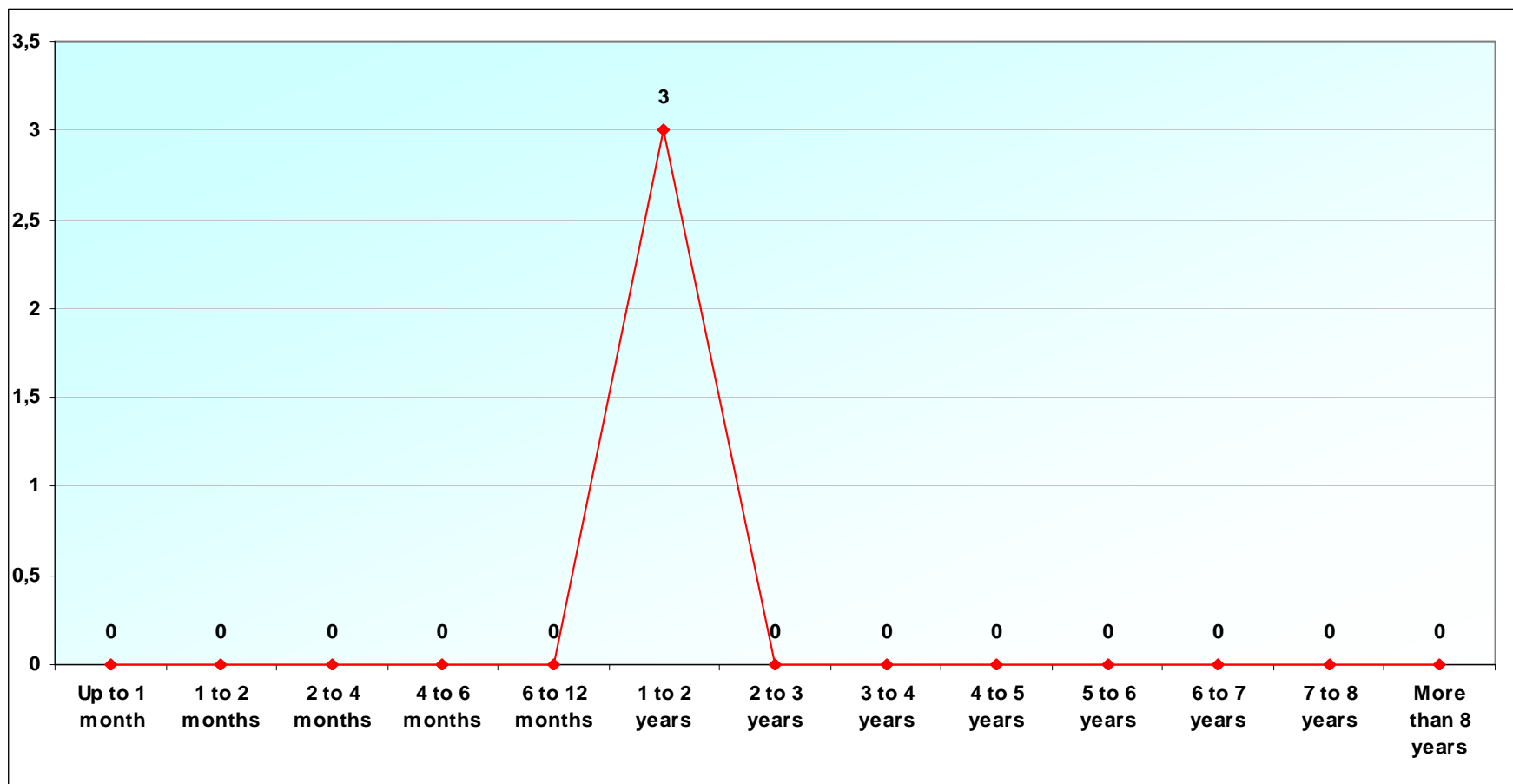
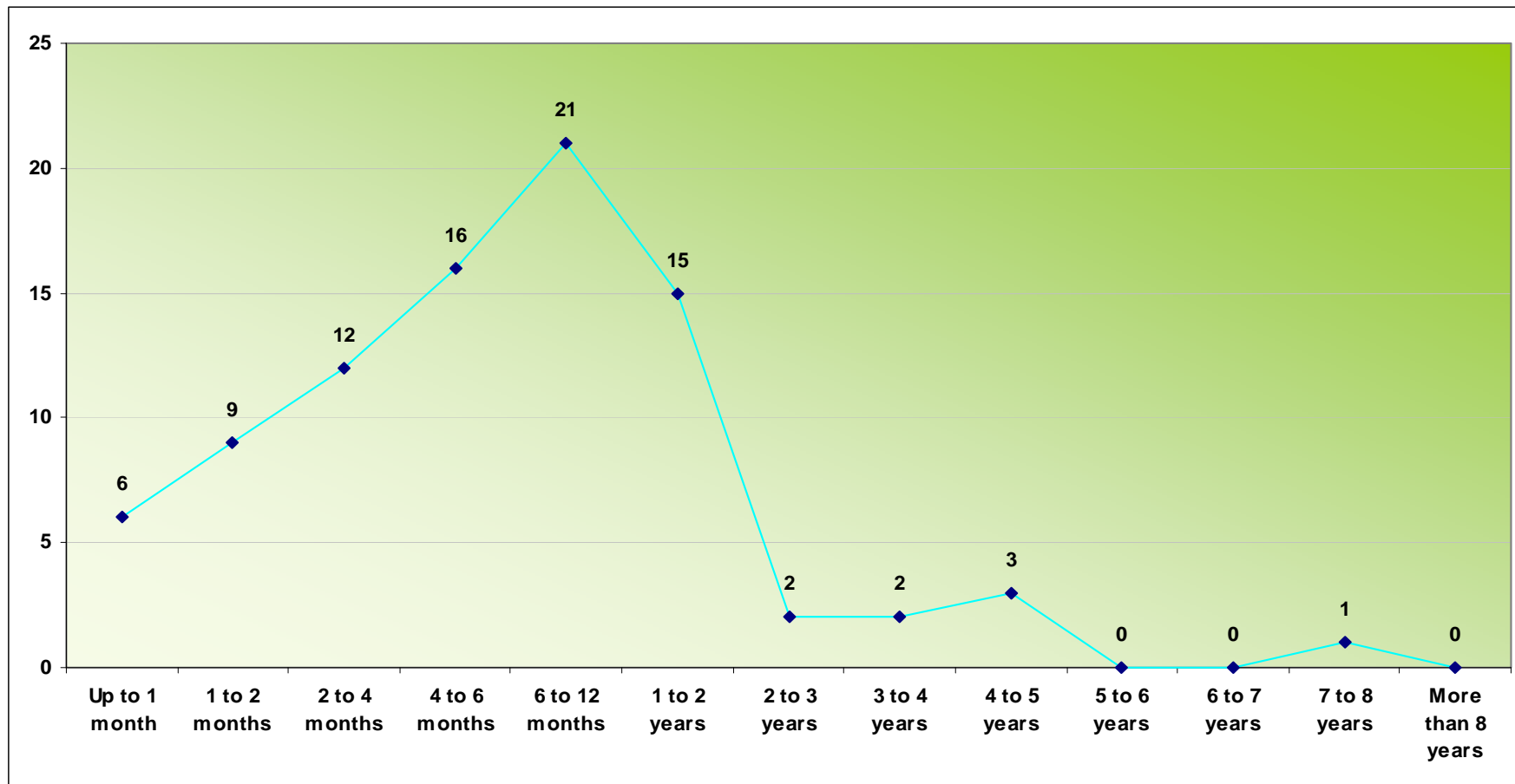


Chart 9.1.3.

Duration of the procedure from filing of a criminal offence report to the final court decision in 2009
- infringement of the industrial property rights and an unauthorized use of somebody else's firm, Art.285 CC



9.2. Duration of procedure by filing of a misdemeanor report

Table 9.2.1.

Duration of the procedure from filing of a misdemeanour report to the final court decision in 2009

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	3.403	166	348	573	613	697	586	250	115	49	4	2	0	0
%	100	4,9	10,2	16,8	18,0	20,5	17,2	7,3	3,4	1,4	0,1	0,1	0,0	0,0
Infringement of the trademarks and other indications provisions	155	4	8	44	28	24	31	11	4	1	0	0	0	0
%	100	2,6	5,2	28,4	18,1	15,5	20,0	7,1	2,6	0,6	0,0	0,0	0,0	0,0
Infringement of the patent and technical improvements provisions	0	0	0	0	0	0	0	0	0	0	0	0	0	0
%														

Chart 9.2.1.
Duration of the procedure from filing of a misdemeanour report to the final court decision in 2009 – copyright

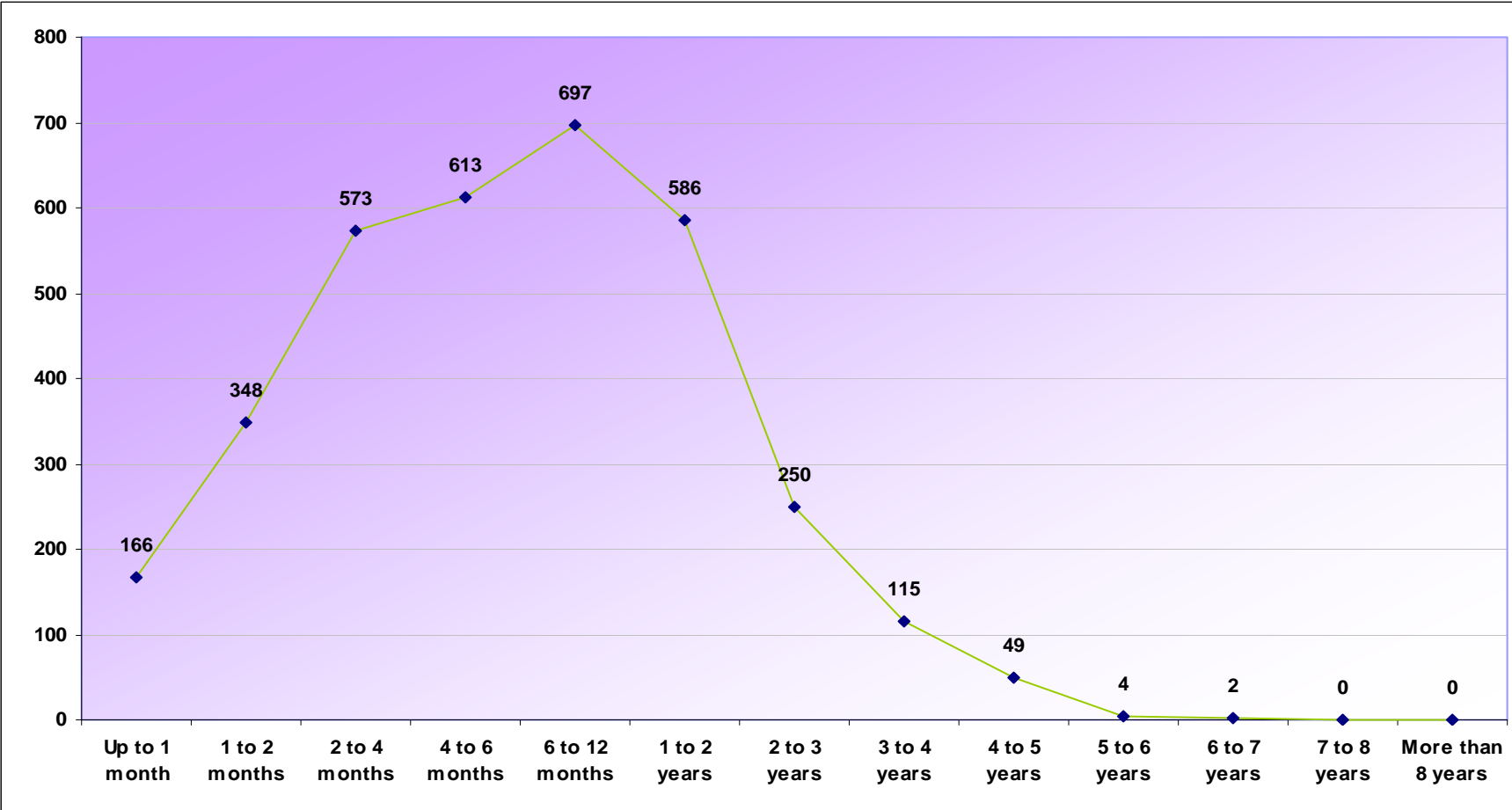
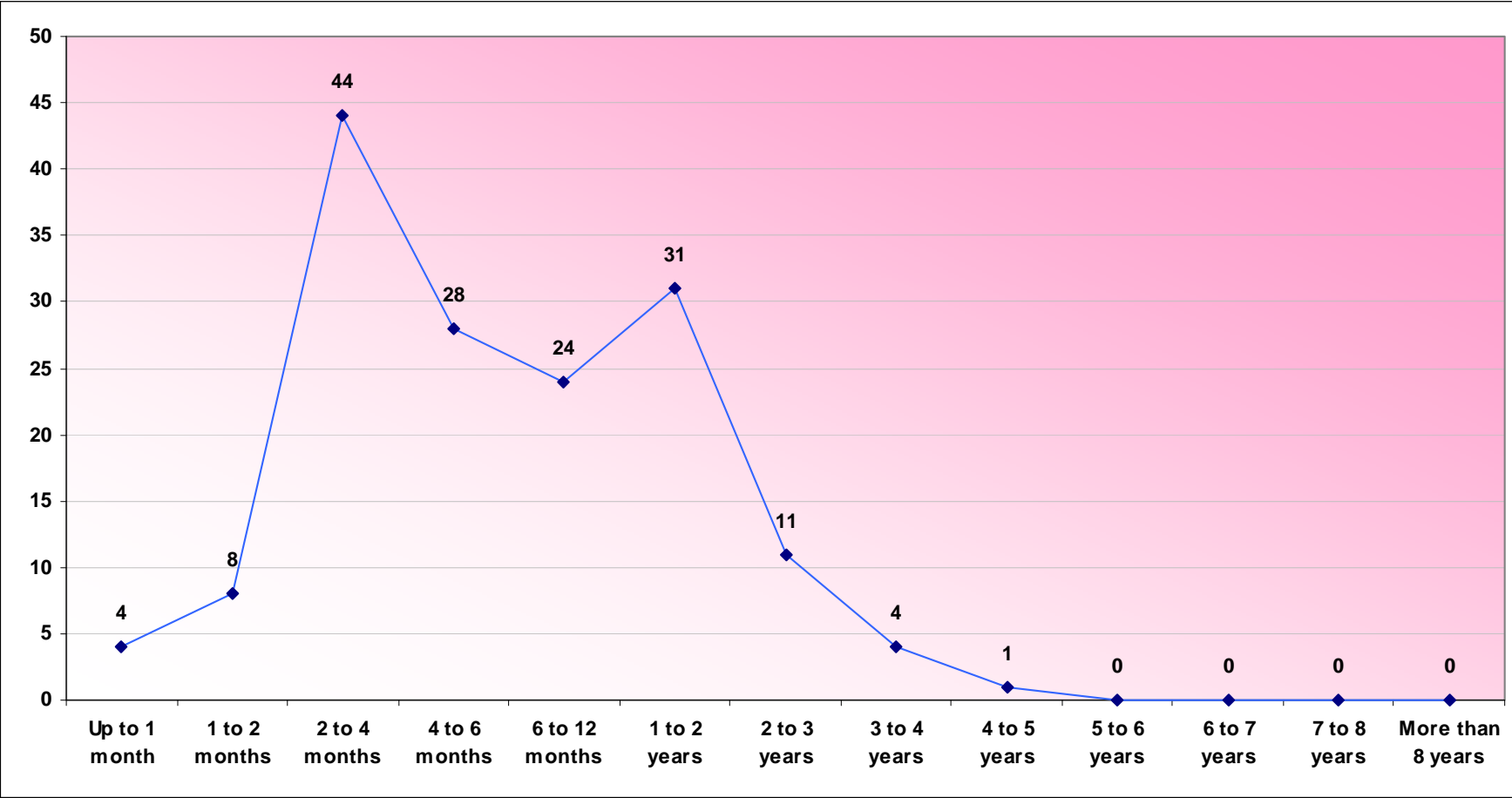


Chart 9.2.2.
Duration of the procedure from filing of a misdemeanour report to the final court decision in 2009
- infringement of the trademarks and other indications provisions



9.3. Duration of the procedure before commercial courts

Table 9.3.1.
Duration of the procedure before commercial courts in 2009

	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	1.092	51	407	328	234	39	30	0	3
%	100	4,7	37,3	30,0	21,4	3,6	2,7	0,0	0,3
HIGH COMMERCIAL COURT	261	15	69	21	75	58	13	10	0
%	100	5,7	26,4	8,0	28,7	22,2	5,0	3,8	0,0

Chart 9.3.1.
Duration of the procedure before commercial courts in 2009

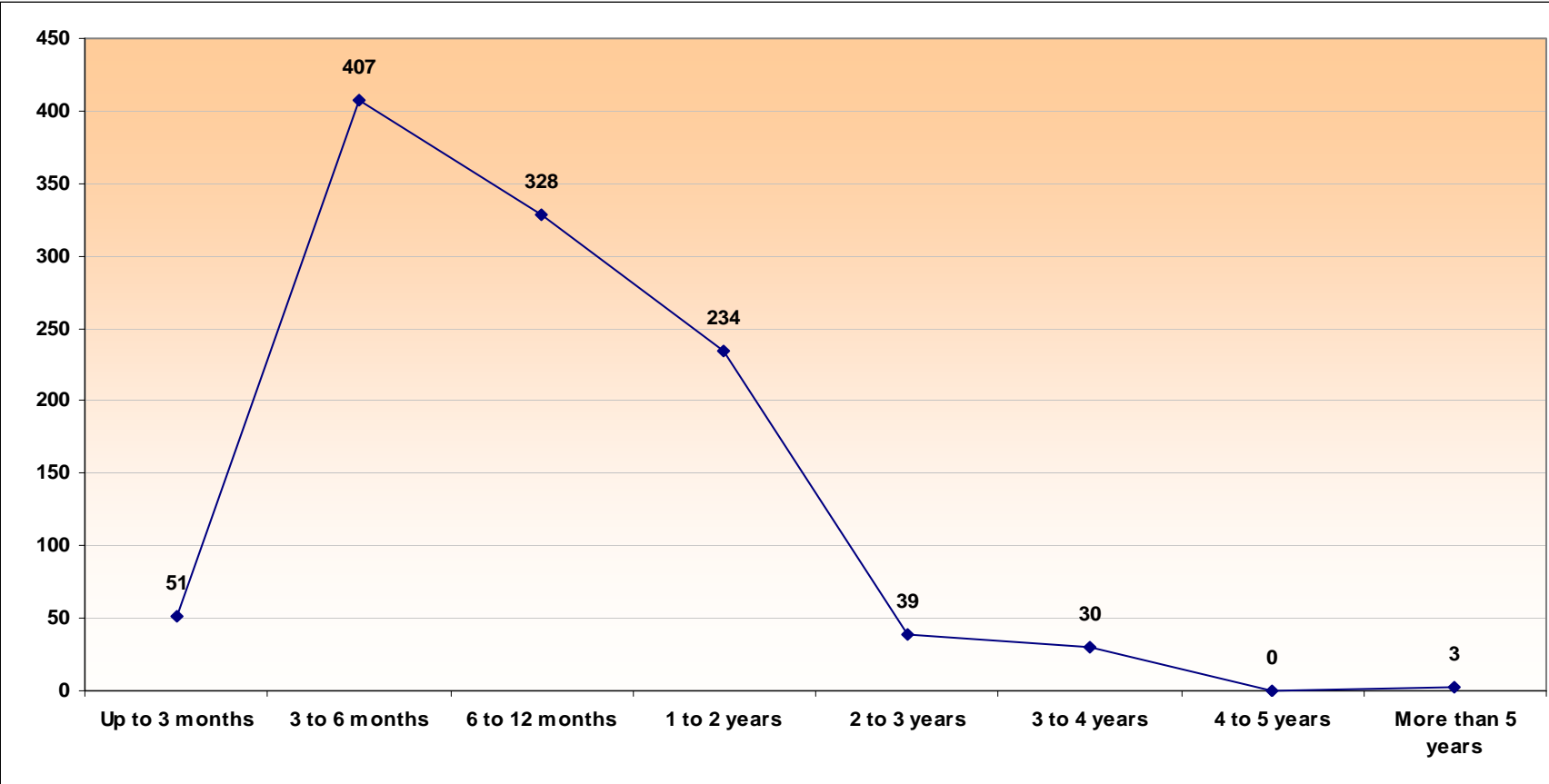


Chart 9.3.2.
Duration of the procedure before High Commercial Court in 2009



9.4. Duration of the procedure before Administrative court

Table 9.4.1.
Duration of the procedure before the Administrative court in 2009

	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	12	0	0	3	3	2	2	2	0
%	100	0,0	0,0	25,0	25,0	16,7	16,7	16,7	0,0

Chart 9.4.1.
Duration of the procedure before the Administrative court in 2009

