

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

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

Annual report 2010

Zagreb, April 2011

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# 1. FOREWORD

Under 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, a special attention in this Chapter has been paid to the provision of effective enforcement of intellectual property rights. The negotiations for the opening of the Chapter 7 were conducted on 29 March 2007, and the preliminary closure of the Chapter was on 19 December 2008.

The statistical data on the infringements of intellectual property rights in the Republic of Croatia, as presented in this report, have been processed in accordance with the existing methodology.

Statistical data on offenders (perpetrators of criminal offences) and misdemeanants (perpetrators of misdemeanours) are based on the official data provided by the Ministry of Justice and the State Attorney Office of the Republic of Croatia. The data on offenders comprising infringements of intellectual property relate to the persons as reported, accused and convicted. The methodology includes final decisions issued by the State Attorney Offices on reports of criminal offences, as well as final court decisions. The data on the misdemeanants relate to natural persons accused and to those 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 Magistrates' courts.

Data provided by the Ministry of the Interior relate to the number of criminal offences comprising infringements of intellectual property as reported in the period from 1998 to 2010.

Data provided by the Customs Administration relate to the number of procedures instituted *ex officio* and the number of procedures upon the right holder's request instituted in the period covering 2005 to 2010. In addition to this, the presentations

have been made of data on the goods as destroyed, data on the stay of proceedings, and data on the cases pending before courts. The stay of proceedings relates to the cases in which the right holder, after detention of goods, failed to initiate further proceeding due to the fact that these goods were original (genuine) or the right holder had no interest in taking measures for the protection of one's own right notwithstanding that counterfeit goods were concerned. Data on the value of goods expressed in EUR, 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 EUR.

The data provided by the State Inspectorate relate to the number of inspections carried out by trade inspectors, and the number of requests for the institution of the misdemeanour trial with respect to any individual infringement of intellectual property rights as filed in the period from 2005 to 2010. Moreover, the data were presented on the type and number of provisional seizure of goods concerning the infringements of trademark provisions for the period from 2007 until 2010.

The data provided by the Ministry of Justice refer to the number of cases before the commercial courts (four commercial courts having jurisdiction) before the High Commercial Court of the Republic of Croatia, and the number of cases before the Administrative Court of the Republic of Croatia in 2010, as well as the mode of their settlement and duration of the procedure. The data have also been presented concerning duration of the procedure from filing of a criminal complaint until the pronouncement of enforceable judgement in 2010.

## EXECUTIVE SUMMARY

### **THE CUSTOMS**

In 2010 the Customs Administration initiated 471 procedures concerning the shipments of goods allegedly infringing intellectual property rights. Of these 471 procedures, 169 (35.9 %) were initiated *ex officio* and 302 (64.1 %) upon the right holder's request.

The goods were destroyed in 254 (53.9 %) and released in 204 (43.3 %) procedures, meanwhile 13 (2.8 %) procedures have been pending awaiting the court decisions about the goods concerned.

In 2010 the Customs initiated procedures for 1,034.724 products. According to the type, the majority of products were of the following three groups:

- Footwear 321.988 (31,12 %)
- Office equipment 261.126 (25,24 %)
- Perfumes and cosmetics 74.629 (7,21 %).

A total of 613.213 counterfeited products were destroyed of the aggregate retail value of EUR 23.7 million

### **Statistical data comparison for 2009 and 2010**

Comparing the years 2009 and 2010, the aggregate number of initiated procedures increased from 300 to 471 (57 %), thereby *ex officio* procedures increased from 144 to 169 (10.4 %), and the number of procedures upon the right holder's request from 156 to 302 (93.6 %) procedures.

In 2010 the number of procedures under which the products were destroyed or released, increased from 146 to 254 (84 %) and from 149 to 204 (37 %) respectively. The number of procedures referred to the court for decisions also increased from two to thirteen (550 %).

The retail value of the detained and destroyed products significantly increased (by 70.5 %) from EUR 13.9 to 23.7 million.

### **STATE INSPECTORATE**

In 2010 the State Inspectorate carried out a total of 10.779 supervisions related to the protection of intellectual property rights, 957 (8.9 %) of these resulted in indictments for instituting misdemeanour trial.

Of the mentioned number of supervisions, 8.100 (75.1 %) referred to the supervisions on the protection of copyright and related rights, and 2.679 (24.9 %) to the supervisions on the protection of industrial property rights.

Of the mentioned number of indictments for instituting misdemeanour trial, 540 of these (56.4 %) referred to copyright infringements and 417 (43.6 %) to industrial property rights infringements.

The aggregate value of the products detained by the State Inspectorate in 2010 owing to the infringements of intellectual property rights accounted for EUR 110.431,15.

Copyright infringements of computer programs were found in 454 supervisions and at that occasion on 511 computers 970 computer programs were found installed without the author's consent (the value of the illegally installed computer programs has not been monitored since 2007).

In 2010 the State Inspectorate temporarily detained 12.742 products. The main products were of the three following groups:

- Watches 3.264 pcs. (27.81 %)
- Accessories (caps, scarves) 1.828 pcs. (15.58 %)
- Glasses 1.054 pcs. (8.98 %).

### Statistical data comparison for 2009 and 2010

Comparing the years 2009 and 2010 the aggregate number of supervisions increased from 6.851 to 10.779 (57.3 %) and the number of indictments for instituting misdemeanour trial increased from 649 to 957 (47 %).

The number of supervisions on the infringements of copyright and related rights increased from 4.505 to 8.100 (79.8 %), whereas the number of supervisions concerning the infringements of industrial property rights increased from 2.346 to 2.679 (11.4 %).

The number of indictments for instituting misdemeanour trial concerning the infringements of copyright increased from 422 to 540 (28 %) and the number of indictments for instituting misdemeanour trial concerning the infringements of industrial property rights increased from 227 to 417 (83.7 %).

The aggregate number of detained products decreased from 32.067 pieces to 12.742 pieces (60.2 %), while the aggregate value in EUR of detained products decreased from 259.376,44 to 110.431,15 € (58 %). With respect to temporarily detained products, glasses and watches remain among the leading three groups of detained products, but of a reversed order, (in 2009 garments, glasses, watches and in 2010 watches, accessories, glasses).

### **MINISTRY OF THE INTERIOR**

In 2010 the Ministry of the Interior filed 239 criminal complaints concerning the infringements of intellectual property rights, 174 of these (72.8 %) referred to the infringements of copyright, and 65 (27.2 %) to the infringements of industrial property rights.

### Statistical data comparison for 2009 and 2010

Comparing the years 2009 and 2010 the aggregate number of the filed criminal complaints increased from 228 to 239 (4.8 %), and the number of criminal complaints concerning the infringements of copyright increased from 126 to 174 (38.1 %), while

the number of criminal complaints concerning the infringements of industrial property rights decreased from 102 to 65 (36.3 %).

### **STATE ATTORNEY OFFICE**

In 2010 the State Attorney Office was reported 153 infringers concerning the infringements of intellectual property rights. 140 (91.6 %) of these were infringers of copyright, and 13 (8.4 %) infringers of industrial property rights.

The State Attorney Office passed in whole 61 decisions about infringers-for infringing intellectual property rights. Of these 45 (73.8 %) resulted in indictments for the infringements of copyright, six (9,8 %) decisions resulted in indictments for the infringements of industrial property rights, whereas 10 (16.4 %) decisions resulted in rejecting criminal complaints against copyright infringers. With respect to the infringements of industrial property rights no decisions on rejecting criminal complaints were made.

### **Statistical data comparison for 2009 and 2010**

Comparing the years 2009 and 2010 the number of reported infringers of intellectual property rights decreased from 166 to 153 (7.2 %). The number of criminal complaints of copyright infringements increased from 135 to 140 (4.4 %) and the number of criminal complaints about infringing industrial property rights decreased from 31 to 13 (58.1 %).

The number of decisions taken against infringers resulting in indictments for copyright infringements decreased from 96 to 45 (53.1 %), and for infringing industrial property rights it decreased from 22 to 6 (72.7 %).



## **JUDICIARY**

### ***Criminal Courts***

In 2010 of the persons accused 239 were accused for infringing intellectual property rights, of these 162 (67.8 %) were charged for copyright infringements, and 77 (32.2%) for infringing industrial property rights.

Of 239 persons accused for infringing intellectual property rights, 203 persons (84.9 %) were found guilty. Of these persons 133 (65.5 %) were found guilty for copyright infringements, and 70 persons (34.5 %) for infringing industrial property rights.

Of 203 persons found guilty, six of them (2.9 %) were imposed an unconditional prison sentence, 105 persons (51.7 %) were imposed a suspended sentence, whereas the rest was imposed a fine.

### **Statistical data comparison for 2009 and 2010**

Comparing the years 2009 and 2010 the number of persons accused for infringing intellectual property rights decreased from 351 to 239 (31.9 %).

The number of persons found guilty for infringing intellectual property rights decreased from 295 to 203 (31.2 %). The number of persons imposed an unconditional sentence of imprisonment decreased from nine to six (33.3 %), and the number of persons imposed a suspended sentence decreased from 146 to 105 (28.1 %).

### ***Magistrates' Courts***

In 2010 misdemeanour trials were instituted against 3,083 natural persons for the infringements of copyright provisions. Consequently 1,954 persons (63.4 %) were found guilty, of these one person was sentenced to imprisonment, and 1,875 persons (96 %) were imposed a fine. The other persons were admonished.

Under misdemeanour trials conducted against legal and responsible persons, misdemeanour trials were instituted against 2,126 persons for the infringements of copyright provisions. Thereby 1,400 persons (65.9 %) were found responsible, of these 1,355 (96.8 %) were imposed a fine. The other persons were admonished.

Misdemeanour trials were instituted against 348 natural persons for the infringements of trademark provisions. Thereby 171 persons (49.1 %) were found guilty, of these 136 (79.5 %) were imposed a fine. The other persons were admonished.

Misdemeanour trials were instituted against 49 legal entities and responsible persons for the infringements of trademark provisions. Thereby 57 persons were found responsible, of these persons 54 were imposed a fine\*. The other persons were admonished.

#### Statistical data comparison for 2009 and 2010

Comparing the years 2009 and 2010, the number of natural persons against whom misdemeanour trials were instituted for the infringements of copyright provisions increased from 1,676 to 3,083 (84 %), and the number of legal entities increased from 1,199 to 2,126 (77.3 %).

The number of natural persons against whom misdemeanour trials were instituted for the infringements of trademark provisions increased from 144 to 438 (65.3 %), whereas the number of legal entities decreased from 141 to 49 (65.2 %).

#### ***The number of court cases and duration of procedures***

##### *Administrative Court of the Republic of Croatia*

On 1 January 2010 the Administrative Court of the Republic of Croatia had 173 pending cases in the field of industrial property rights. In the course of that year 15 new cases were received and 47 cases decided. Consequently, on 31 December 2010, unsolved remained 141 cases in the field of industrial property rights, presenting 32 cases less (18.5 %) with respect to the initial reporting period.

In 2010 the Administrative Court of the Republic of Croatia decided on 47 cases, 45 (95.7 %) of these were decided within two to three years, and the other two cases were decided within a year.

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\* Under a misdemeanour trial conducted against legal entity and responsible person, several persons may be found responsible for committing a minor offence.

### Commercial Courts

On 1 January 2010 the competent commercial courts had pending 967 cases in the field of intellectual property rights. In the course of that year 1,750 new cases were received, and 1,352 cases decided. Consequently, on 31 December 2010 1,365 were pending cases in the field of intellectual property rights, accounting for 398 cases (41.1 %) more with respect to the initial reporting period.

In 2010 of 1,352 decided cases, 1,300 (96.2 %) were decided within a two year period, and 28 (2,1 %) within a three year period.

### High Commercial Court of the Republic of Croatia

On 1 January 2010 the High Commercial Court of the Republic of Croatia had 385 pending cases in the field of intellectual property rights. In the course of 2010 were received 200 new cases and 205 decided. Consequently, on 31 December 2010 there were 380 pending cases in the field of intellectual property rights, accounting for five (5) cases less (1.3 %) with respect to the initial reporting period.

In 2010 of 205 decided cases, 69 cases (33,7 %) were decided within a six-month period, and 112 cases (54.6 %) within a twelve-month period.

### Criminal Courts

In 2010 criminal courts decided in whole 222 cases for infringing intellectual property rights. 142 (64 %) of these referred to the copyright infringements, and 80 (36 %) to the infringements of industrial property rights.

In the course of a two-year period, in whole were decided 168 (75,7 %) cases in the field of intellectual property rights, of these 101 referred to copyright infringements, and 67 cases to infringements of industrial property rights.

In the course of two to four years in whole were decided 41 (18,5 %) cases in the field of intellectual property rights, 28 of these referred to copyright infringements, and 13 cases to infringements of industrial property rights.

### Magistrate's Courts

In 2010 Magistrate's courts decided in whole 3,710 cases for infringing the provisions of intellectual property rights. Of these 3,350 (90.3 %) referred to the infringements of copyright provisions, 356 (9.6 %) cases referred to the infringements of trademark provisions and four cases (0.1 %) to the infringements of patent provisions.

Of the aggregate number of cases decided in 2010 by Magistrate's courts referring to the infringements of the provisions on intellectual property rights, 2,384 (64.3 %) were decided in one year period, 2,128 of these cases referred to the infringements of the copyright provisions and 256 cases referred to the infringements of the trademark provisions.

In the course of one to three years, in whole 936 (25.2 %) cases were decided, of these 833 referred to the infringements of the copyright provisions and 103 cases referred to the infringements of the trademark provisions.

## **2. CRIMINAL LAW AND MISDEMEANOUR LAW PROTECTION – COMPREHENSIVE COURSE OF ACTION UNDER CRIMINAL AND MISDEMEANOUR PROCEDURES**

### **2.1. Comprehensive course of action of a criminal procedure from filing a criminal complaint until the criminal court decision in 2010**

In 2010 MOI (police) filed 239 criminal complaints concerning criminal offences-infringements of intellectual property rights; State Attorney Offices made 61 decisions concerning infringements of intellectual property rights, whereas criminal courts made 232 decisions and imposed 203 sanctions (six imposed sanctions were on unconditional imprisonment).

### **2.2. Comprehensive course of action of a misdemeanour trial in 2010**

In 2010 in whole 3.439 misdemeanour reports were filed against natural persons for infringing the provisions of intellectual property. 2.126 natural persons were found guilty and imposed the identical number of sanctions. The majority of fine sentences were imposed, namely 2.012 (94.6 %).

In the same period 2.187 reports were filed against legal and responsible persons for infringing the provisions of intellectual property. 1.446 legal entities were found responsible and imposed a fine sentence, namely 1.421.

**Table 2.1.**  
**Comprehensive course of action of the criminal procedure from a criminal complaint to the court decision in 2010**

Criminal offences	Police crime reports	State Attorney Office						Perpetrator unknown	Courts									
		Total	Decisions				Total		Decisions				Sanctions					
			Report rejected	Investigation discontinued	Investigation suspended	Indictment			Found guilty	Suspension of the criminal procedure	Acquittal	Decision of refusal	Total	Imprisonment		Fine	Other sanctions	
Infringements of the rights of authors or of the rights of performers, Art.229	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0
Unauthorized use of an author's work or of a performer's performance, Art.230	129	50	9	0	0	41	1	140	115	15	5	5	115	4	76	35	0	0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231	18	5	1	0	0	4	0	17	14	0	2	1	14	0	0	14	0	0
Infringement of the right conferred by an invention applied for or protected, Art.232	5	0	0	0	0	0	0	1	1	0	0	0	1	0	1	0	0	0
Infringement of the industrial property rights and unauthorized use of another's property Art.285	86	6	0	0	0	6	0	79	72	1	6	0	72	2	39	31	0	0

**Table 2.2.**  
**Misdemeanour law protection - a comprehensive course of action of the misdemeanour trial in 2010**

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")	3.083	3.083	1.954	1.954	1	1.875	78	2.126	2.126	1.400	1.400	1.355	45
Infringement of the provisions on trademarks and other indications	348	348	171	171	0	136	35	49	49	57	57	54	3
Infringement of the patent and technical improvements provisions	8	8	1	1	0	1	0	12	12	12	12	12	0

### **3. CUSTOMS ADMINISTRATION – STATISTICAL DATA ON THE NUMBER OF INSTITUTED PROCEDURES, VALUE OF GOODS AND NUMBER OF PRODUCTS**

For the purpose of presenting statistical data within the competence of the Customs Administration of the Republic of Croatia, the statistical tables have been compiled on:

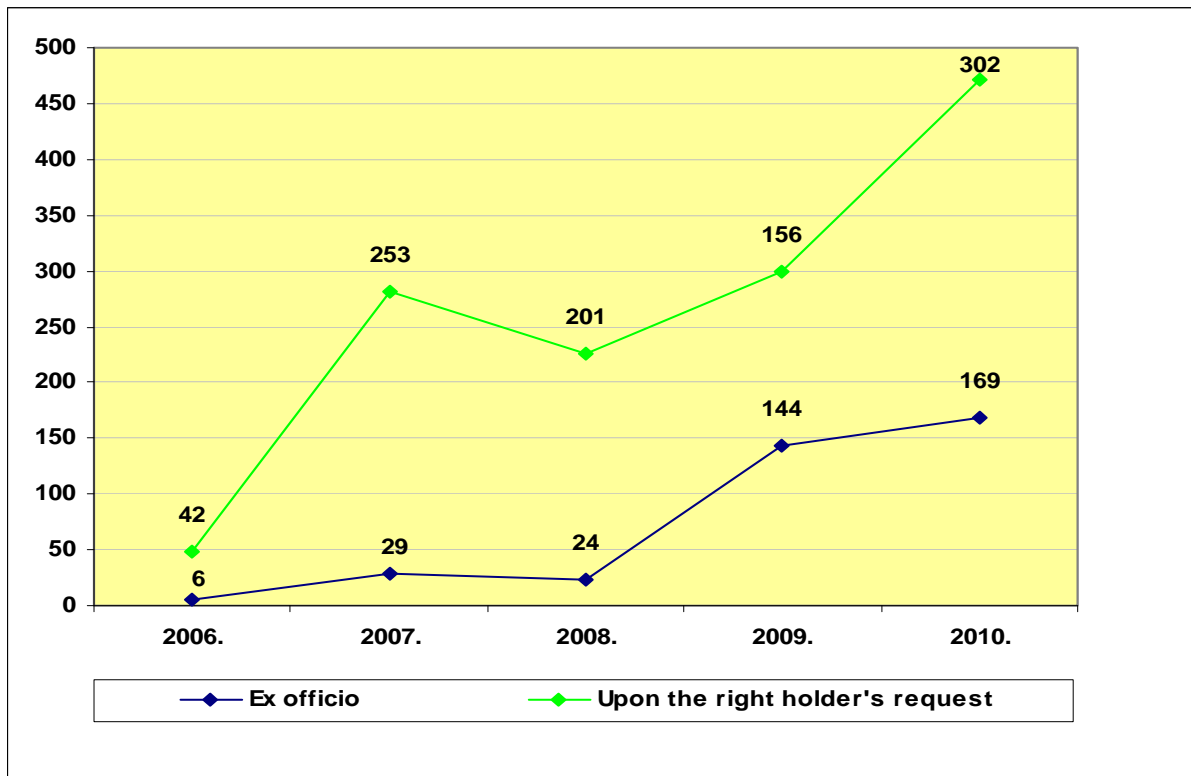
- the number of procedures and the number of provisionally detained goods, according to the product specifications (foodstuffs and beverages, medicines, garments and accessories, sports and other footwear, electric, electronic and computer equipment, body care products, toys, tobacco products and other)
- the number of procedures according to the products specifications of provisionally detained goods and according to the outcome of procedures (destruction of goods as provisionally detained, taking of legal action before a competent court or stay of proceedings)
- the number of provisionally detained goods according to the products specifications and according to the outcome of procedures,
- the value of goods as provisionally detained according to the products specifications, expressed in EUR.



**Table 3.1.**  
**Data on the legal forms of procedures instituted in the cases**  
**of infringements of intellectual property rights – Customs Administration**

	TOTAL	Number of procedures	
		<i>Ex officio</i>	Upon the right holder's request
<b>TOTAL</b>	<b>1.326</b>	<b>372</b>	<b>954</b>
<b>2006.</b>	<b>48</b>	<b>6</b>	<b>42</b>
<b>2007.</b>	<b>282</b>	<b>29</b>	<b>253</b>
<b>2008.</b>	<b>225</b>	<b>24</b>	<b>201</b>
<b>2009.</b>	<b>300</b>	<b>144</b>	<b>156</b>
<b>2010.</b>	<b>471</b>	<b>169</b>	<b>302</b>

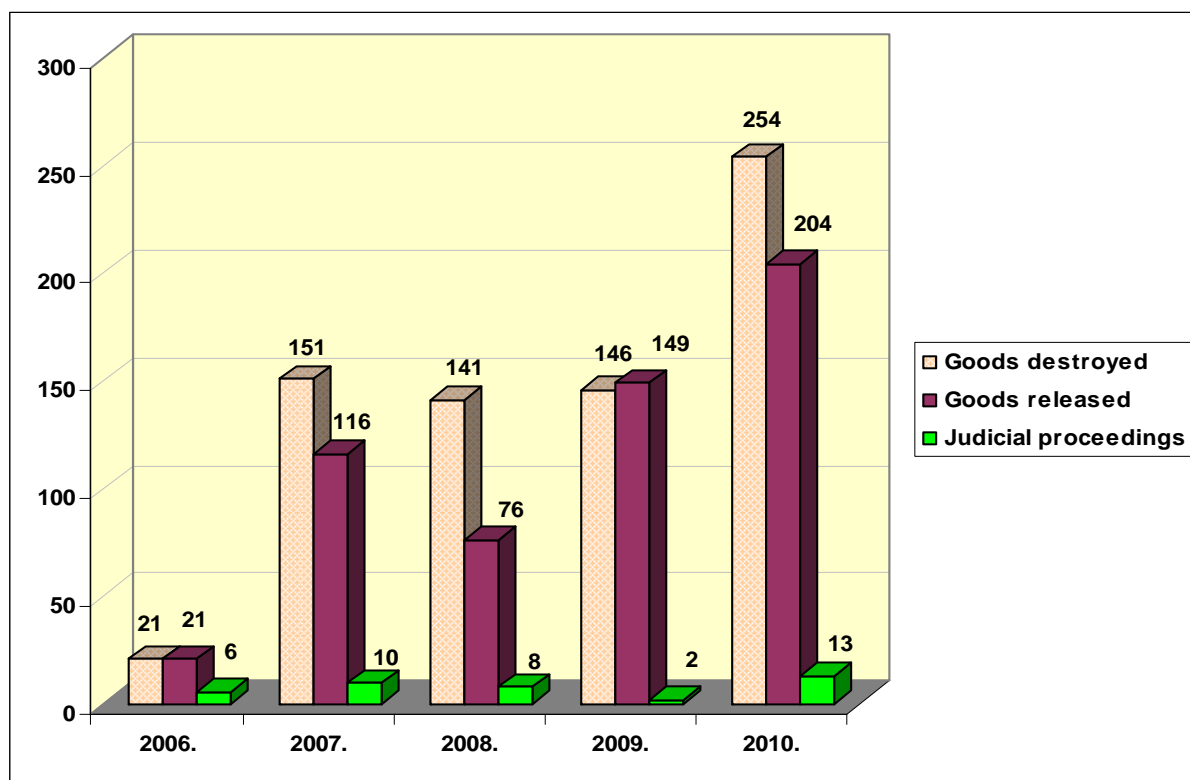
**Chart 3.1.**  
**Trends of procedures instituted in the cases of infringements of intellectual property rights**  
**– Customs Administration**



**Table 3.2.**  
**Outcomes of the procedures instituted in the cases of infringements**  
**of intellectual property rights – Customs Administration**

	TOTAL	PROCEDURES		
		Destruction of goods	Goods released	Judicial proceedings
<b>TOTAL</b>	<b>1.326</b>	<b>713</b>	<b>566</b>	<b>39</b>
<b>2006.</b>	<b>48</b>	<b>21</b>	<b>21</b>	<b>6</b>
<b>2007.</b>	<b>282</b>	<b>151</b>	<b>116</b>	<b>10</b>
<b>2008.</b>	<b>225</b>	<b>141</b>	<b>76</b>	<b>8</b>
<b>2009.</b>	<b>300</b>	<b>146</b>	<b>149</b>	<b>2</b>
<b>2010.</b>	<b>471</b>	<b>254</b>	<b>204</b>	<b>13</b>

**Chart 3.2.**  
**Outcomes of the procedures instituted in the cases of infringements**  
**of intellectual property rights – Customs Administration**



**Table 3.3.**  
**The value of destroyed counterfeit goods in EUR – Customs Administration**

	The value of destroyed goods in EUR	Index compared to the previous year
<b>TOTAL</b>	<b>44.262.870,16</b>	
<b>2005.</b>	<b>57.075,22</b>	
<b>2006.</b>	<b>248.550,60</b>	<b>435</b>
<b>2007.</b>	<b>4.818.507,80</b>	<b>1.939</b>
<b>2008.</b>	<b>43.122,42</b>	<b>1</b>
<b>2009.*</b>	<b>15.365.986,39</b>	
<b>2010.</b>	<b>23.729.627,73</b>	<b>154</b>

\* Since 1 January 2009 the Customs Administration has not monitored the value of declared goods, but the value of the destroyed counterfeit goods in proportion to the retail price of such original goods in domestic market expressed in EUR.

**Table 3.4.**

**The number of instituted proceedings and the number of dubious products in portion with the aggregate number according to the type of products in the course of 2010 – Customs Administration**

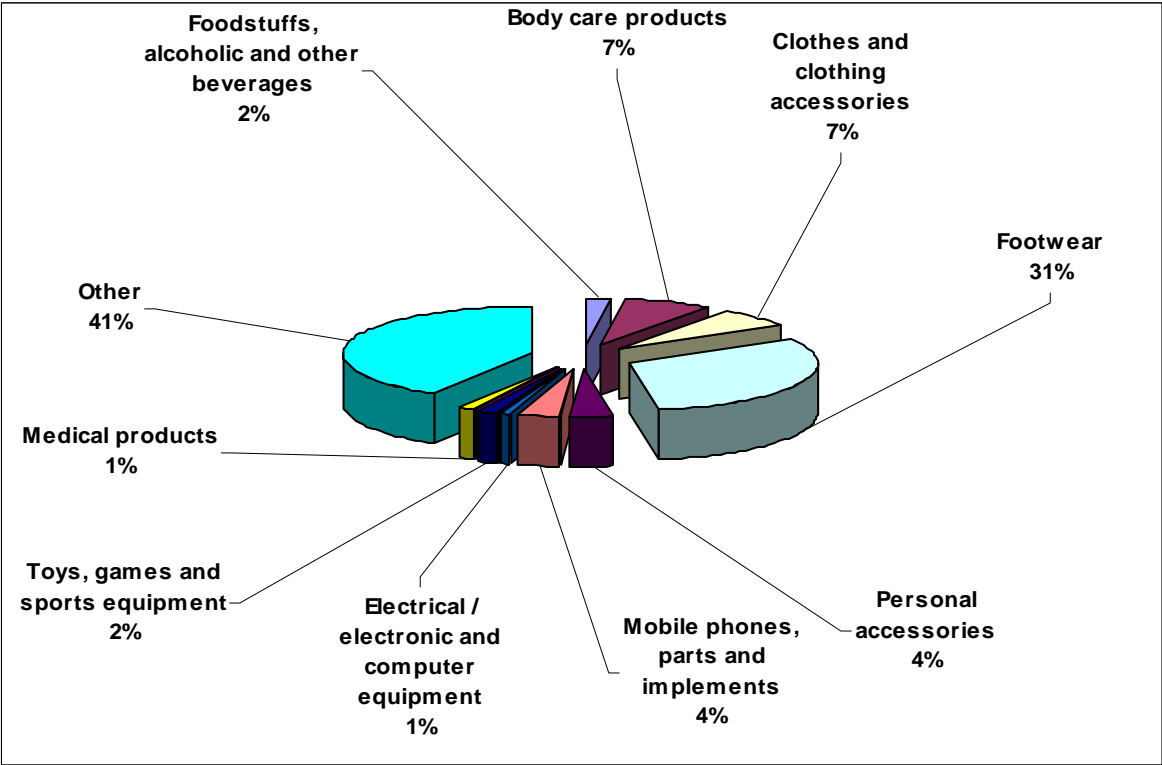
<b>Product type</b>	<b>Number of procedures</b>	<b>%</b>	<b>Number of dubious products</b>	<b>%</b>
<b>1. Foodstuffs, alcoholic and other beverages</b>	<b>1</b>	<b>0,16</b>	<b>22.000</b>	<b>2,13</b>
a) foodstuffs				
b) alcoholic beverages	1	0,16	22.000	2,13
c) other beverages				
<b>2. Body care products</b>	<b>59</b>	<b>9,73</b>	<b>77.869</b>	<b>7,52</b>
a) perfumes and cosmetics	58	9,57	74.629	7,21
b) other products	1	0,16	3.240	0,31
<b>3. Clothes and clothing accessories</b>	<b>211</b>	<b>34,82</b>	<b>69.953</b>	<b>6,76</b>
a) clothes	148	24,42	42.873	4,14
b) clothing accessories	63	10,40	27.080	2,62
<b>4. Footwear</b>	<b>67</b>	<b>11,06</b>	<b>321.988</b>	<b>31,12</b>
a) sports footwear	27	4,46	116.120	11,22
b) other footwear	40	6,60	205.868	19,90
<b>5. Personal accessories</b>	<b>129</b>	<b>21,30</b>	<b>37.905</b>	<b>3,67</b>
a) sunglasses and prescription glasses	29	4,79	16.641	1,61
b) bags	69	11,39	17.894	1,73
c) watches	31	5,12	3.370	0,33
d) jewellery and other accessories				
<b>6. Mobile phones, parts and implements</b>	<b>13</b>	<b>2,15</b>	<b>36.536</b>	<b>3,54</b>
a) mobile phones	5	0,83	17	0,01
b) parts and implements	8	1,32	36.519	3,53
<b>7. Electrical / electronic and computer equipment</b>	<b>28</b>	<b>4,63</b>	<b>8.173</b>	<b>0,80</b>
a) audio/video devices including spare parts and implements	4	0,66	271	0,03
b) memory cards and sticks	2	0,33	70	0,01

c) toners and inks	4	0,66	1.177	0,11
d) computer equipment (hardware) including parts and implements	15	2,48	6.060	0,59
e) other equipment including accessories and spare parts	3	0,50	595	0,06
<b>8. CDs, DVDs, cassettes and other data carriers</b>	<b>0</b>	<b>0,00</b>	<b>0</b>	<b>0,00</b>
a) recorded (music, film, programs, games)				
b) unrecorded				
<b>9. Toys, games and sports equipment</b>	<b>25</b>	<b>4,13</b>	<b>18.098</b>	<b>1,75</b>
a) toys	10	1,65	7.738	0,75
b) games (including electronic game consoles)				
c) sports equipment (including leisure time equipment)	15	2,48	10.360	1,00
<b>10. Tobacco products</b>	<b>0</b>	<b>0,00</b>	<b>0</b>	<b>0,00</b>
a) cigarettes				
b) other tobacco products				
<b>11. Medical products</b>	<b>26</b>	<b>4,29</b>	<b>12.726</b>	<b>1,23</b>
<b>12. Other</b>	<b>47</b>	<b>7,73</b>	<b>429.476</b>	<b>41,51</b>
a) machines and tools	1	0,16	2.725	0,26
b) vehicles including parts and implements	1	0,16	480	0,05
c) office supplies	10	1,65	261.126	25,24
d) lighters				
e) labels, stickers	1	0,16	1.440	0,14
f) textile products	10	1,65	457	0,04
g) packaging material	1	0,16	276	0,03
h) other	23	3,79	162.972	15,75
<b>TOTAL</b>	<b>606</b>	<b>100</b>	<b>1.034.724</b>	<b>100</b>

**Note:**

**Data on the aggregate number of procedures in Table 3.4 differ from the data on the aggregate number of procedures in tables 3.1 and 3.2, due to several procedures covering several various types of goods.**

**Chart 3.3.**  
**Portions of the types of products in the aggregate number of dubious products in the course of 2010 - Customs Administration**



**Table 3.5.**

**The number of initiated procedures according to the types of products and the procedure outcomes in 2010 – Customs Administration**

<b>Product type</b>	<b>Goods destroyed</b>	<b>Goods released</b>	<b>Judicial proceedings</b>
<b>1. Foodstuffs, alcoholic and other beverages</b>	<b>0</b>	<b>0</b>	<b>1</b>
a) foodstuffs			
b) alcoholic beverages			1
c) other beverages			
<b>2. Body care products</b>	<b>49</b>	<b>10</b>	<b>0</b>
a) perfumes and cosmetics	48	10	
b) other products	1		
<b>3. Clothes and clothing accessories</b>	<b>113</b>	<b>94</b>	<b>4</b>
a) clothes	82	64	2
b) clothing accessories	31	30	2
<b>4. Footwear</b>	<b>35</b>	<b>24</b>	<b>8</b>
a) sports footwear	11	10	6
b) other footwear	24	14	2
<b>5. Personal accessories</b>	<b>73</b>	<b>54</b>	<b>2</b>
a) sunglasses and prescription glasses	14	15	
b) bags	22		15
c) watches	16	14	1
d) jewellery and other accessories			
<b>6. Mobile phones, parts and implements</b>	<b>8</b>	<b>5</b>	<b>0</b>
a) mobile phones	1	4	
b) parts and implements	7	1	
<b>7. Electrical / electronic and computer equipment</b>	<b>16</b>	<b>10</b>	<b>2</b>

a) audio/video devices including spare parts and implements	2	2	
b) memory cards and sticks	1	1	
c) toners and inks	3	1	
d) computer equipment (hardware) including parts and implements	9	4	2
e) other equipment including accessories and spare parts	1	2	
<b>8. CDs, DVDs, cassettes and other data carriers</b>	<b>0</b>	<b>0</b>	<b>0</b>
a) recorded (music, film, programs, games)			
b) unrecorded			
<b>9. Toys, games and sports equipment</b>	<b>12</b>	<b>13</b>	<b>0</b>
a) toys	3	7	
b) games (including electronic game consoles)			
c) sports equipment (including leisure time equipment)	9	6	
<b>10. Tobacco products</b>	<b>0</b>	<b>0</b>	<b>0</b>
a) cigarettes			
b) other tobacco products			
<b>11. Medical products</b>	<b>2</b>	<b>24</b>	<b>0</b>
<b>12. Other</b>	<b>29</b>	<b>17</b>	<b>1</b>
a) machines and tools	1		
b) vehicles including parts and implements		1	
c) office supplies	8	2	
d) lighters			
e) labels, stickers		1	
f) textile products	7	2	1



g) packaging material	1		
h) other	12	11	
<b>TOTAL</b>	<b>337</b>	<b>251</b>	<b>18</b>

**Note:**

*Data on the aggregate number of procedures and the number of procedures under which the goods were destroyed, released or were the matter of judicial proceeding in Table 3.5 differ from the data on the aggregate number of procedures; as well as the number of procedures under which the goods were destroyed, released or were the matter of judicial proceedings in Table 3.2 due to several procedures covering several various tapes of goods.*

**Table 3.6.**

**The number of dubious products according to the type of goods and the outcome of procedure in the course of 2010 – Customs Administration**

Product type	Goods destroyed	Goods released	Judicial proceedings
<b>1. Foodstuffs, alcoholic and other beverages</b>	<b>0</b>	<b>0</b>	<b>22.000</b>
a) foodstuffs			
b) alcoholic beverages			22.000
c) other beverages			
<b>2. Body care products</b>	<b>74.878</b>	<b>2.991</b>	<b>0</b>
a) perfumes and cosmetics	71.638	2.991	
b) other products	3.240		
<b>3. Clothes and clothing accessories</b>	<b>44.912</b>	<b>24.805</b>	<b>236</b>
a) clothes	34.354	8.328	191
b) clothing accessories	10.558	16.477	45
<b>4. Footwear</b>	<b>136.621</b>	<b>126.961</b>	<b>58.406</b>
a) sports footwear	57.189	18.701	40.230
b) other footwear	79.432	108.260	18.176
<b>5. Personal accessories</b>	<b>31.970</b>	<b>5.930</b>	<b>5</b>
a) sunglasses and prescription glasses	14.690	1.951	
b) bags	15.140	2.750	4
c) watches	2.140	1.229	1
d) jewellery and other accessories			
<b>6. Mobile phones, parts and implements</b>	<b>36.354</b>	<b>182</b>	<b>0</b>
a) mobile phones	10	7	
b) parts and implements	36.344	175	
<b>7. Electrical / electronic and computer equipment</b>	<b>2.251</b>	<b>1.482</b>	<b>4.440</b>
a) audio/video devices including spare parts and implements	218	53	
b) memory cards and sticks	40	30	
c) toners and inks	1.137	40	

d) computer equipment (hardware) including parts and implements	556	1.064	4.440
e) other equipment including accessories and spare parts	300	295	
<b>8. CDs, DVDs, cassettes and other data carriers</b>	<b>0</b>	<b>0</b>	<b>0</b>
a) recorded (music, film, programs, games)			
b) unrecorded			
<b>9. Toys, games and sports equipment</b>	<b>8.962</b>	<b>9.136</b>	<b>0</b>
a) toys	5.016	2.722	
b) games (including electronic game consoles)			
c) sports equipment (including leisure time equipment)	3.946	6.414	
<b>10. Tobacco products</b>	<b>0</b>	<b>0</b>	<b>0</b>
a) cigarettes			
b) other tobacco products			
<b>11. Medical products</b>	<b>1.508</b>	<b>11.218</b>	<b>0</b>
<b>12. Other</b>	<b>275.757</b>	<b>153.714</b>	<b>5</b>
a) machines and tools	2.725		
b) vehicles including parts and implements		480	
c) office supplies	260.760	366	
d) lighters			
e) labels, stickers		1.440	
f) textile products	302	150	5
g) packaging material	276		
h) other	11.694	151.278	
<b>TOTAL</b>	<b>613.213</b>	<b>336.419</b>	<b>85.092</b>

**Table 3.7.**

**The value of destroyed counterfeit goods expressed in EUR and the proportion to the aggregate value according to the types of goods in the course of 2010 – Customs Administration**

Product type	Value in €	%
<b>1. Foodstuffs, alcoholic and other beverages</b>	<b>0,00</b>	<b>0,00</b>
a) foodstuffs		
b) alcoholic beverages		
c) other beverages		
<b>2. Body care products</b>	<b>4.367.795,81</b>	<b>18,41</b>
a) perfumes and cosmetics	4.287.131,91	18,07
b) other products	80.663,90	0,34
<b>3. Clothes and clothing accessories</b>	<b>2.897.532,13</b>	<b>12,21</b>
a) clothes	2.722.223,90	11,47
b) clothing accessories	175.308,23	0,74
<b>4. Footwear</b>	<b>10.876.494,81</b>	<b>45,84</b>
a) sports footwear	5.720.182,20	24,11
b) other footwear	5.156.312,61	21,73
<b>5. Personal accessories</b>	<b>3.829.295,10</b>	<b>16,13</b>
a) sunglasses and prescription glasses	2.338.506,14	9,85
b) bags	1.338.651,06	5,64
c) watches	152.137,90	0,64
d) jewellery and other accessories		
<b>6. Mobile phones, parts and implements</b>	<b>653.893,35</b>	<b>2,76</b>
a) mobile phones	2.459,76	0,01
b) parts and implements	651.433,59	2,75
<b>7. Electrical / electronic and computer equipment</b>	<b>94.285,76</b>	<b>0,40</b>
a) audio/video devices including spare parts and implements	7.282,16	0,03
b) memory cards and sticks	1.080,00	0,01
c) toners and inks	69.544,00	0,29
d) computer equipment (hardware) including parts and implements	9.118,19	0,04

e) other equipment including accessories and spare parts	7.261,41	0,03
<b>8. CDs, DVDs, cassettes and other data carriers</b>	<b>0,00</b>	<b>0,00</b>
a) recorded (music, film, programs, games)		
b) unrecorded		
<b>9. Toys, games and sports equipment</b>	<b>94.557,64</b>	<b>0,40</b>
a) toys	34.592,64	0,15
b) games (including electronic game consoles)		
c) sports equipment (including leisure time equipment)	59.965,00	0,25
<b>10. Tobacco products</b>	<b>0,00</b>	<b>0,00</b>
a) cigarettes		
b) other tobacco products		
<b>11. Medical products</b>	<b>19.604,00</b>	<b>0,08</b>
<b>12. Other</b>	<b>896.169,13</b>	<b>3,78</b>
a) machines and tools	651.249,00	2,74
b) vehicles including parts and implements		
c) office supplies	175.267,20	0,74
d) lighters		
e) labels, stickers		
f) textile products	15.590,72	0,07
g) packaging material	2.760,00	0,01
h) other	51.302,21	0,22
<b>TOTAL</b>	<b>23.729.627,73</b>	<b>100</b>

#### **4. STATE INSPECTORATE - DATA ON THE NUMBER OF CARRIED OUT INSPECTIONS AND THE NUMBER OF INDICTMENTS FOR INSTITUTING MISDEMEANOUR TRIAL**

The cases of infringements of intellectual property rights, mostly encountered by trade inspectors of the State Inspectorate when carrying out their inspections, was placing into circulation of the products infringing the copyright (pirated copies) and trademark rights (counterfeits).

In relation to data on the inspections carried out (since 1 January 2010 the aggregate number of inspections has been monitored) on the protection of copyright, the presentations include statistical data on:

- inspections relating to the protection of copyright in computer programs (the number of computers inspected, the number of illegally installed computer programs and their value expressed in EUR, as well as the number of presented indictments and misdemeanour reports),
- inspections relating to the circulation of musical and cinematographic works recorded on audio and video carriers without the author's consent – pirated copies (the number of provisionally detained goods and their value expressed in EURs, and the number of presented indictments and misdemeanour reports),
- inspections relating to the circulation and reproduction of books made without the author's and publisher's consent (the number of provisionally detained goods and their value expressed in EUR, and the number of presented indictments and misdemeanour reports).

In relation to data on the inspections carried out over the protection of industrial property, the statistical data are presented on:

- inspections related to the circulation of branded products without an authorisation of the trademark owner - counterfeits (the number of inspections, the number of provisionally detained goods and their value in EURs, and the number of presented indictments and misdemeanour reports),

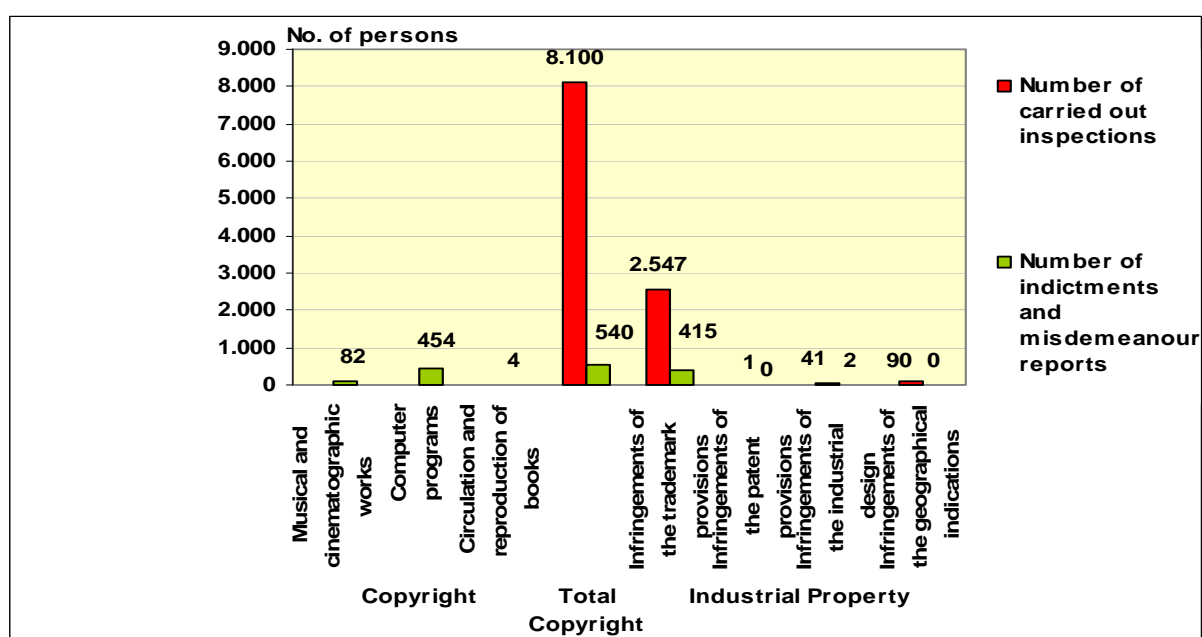
- specifications and quantities of goods as provisionally detained in compliance with the Trademark Act (garments, footwear, leather accessories, watches, eyeglasses, perfumes and other),
- inspections related to the circulation of goods produced on the basis of the protected invention (the number of inspections, the number of goods as provisionally detained and their value in EUR, and the number of indictments,
- inspections related to the circulation of goods concerning the protection of industrial designs (the number of inspections, the number of provisionally detained goods and their value in EUR, and the number of presented indictments and misdemeanour reports),
- inspections related to the circulation of goods concerning the protection of geographical indication and designation of origin (the number of inspections, the number of provisionally detained goods and their value in EUR, and the number of misdemeanours).

**Table 4.1.**  
**Data on the infringements of intellectual property rights in 2010 – State Inspectorate**

Infringements of provisions		Number of carried out inspections	Number of indictments and misdemeanour reports
<b>TOTAL</b>		<b>10.779</b>	<b>957</b>
<b>Copyright</b>	Musical and cinematographic works	<b>8.100*</b>	<b>82</b>
	Computer programs		<b>454</b>
	Circulation and reproduction of books		<b>4</b>
<b>Total Copyright</b>		<b>8.100</b>	<b>540</b>
<b>Industrial Property</b>	Infringements of the trademark provisions	<b>2.547</b>	<b>415</b>
	Infringements of the patent provisions	<b>1</b>	<b>0</b>
	Infringements of the industrial design provisions	<b>41</b>	<b>2</b>
	Infringements of the provisions on geographical indications	<b>90</b>	<b>0</b>
<b>Total Industrial Property</b>		<b>2.679</b>	<b>417</b>

\* Since 01 January 2010 the Croatian State Inspectorate has been monitoring the **total number of completed supervisions** concerning copyright protection

**Chart 4.1.**  
**Data on the infringements of intellectual property rights in 2010 – State Inspectorate**





**Table 4.2.**  
**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>	<u>2010.</u> <u>2009.</u>
<b>Infringement of copyright</b>	<b>176</b>	<b>338</b>	<b>296</b>	<b>144</b>	<b>180</b>
<b>Infringement of industrial property rights</b>	<b>76</b>	<b>62</b>	<b>173</b>	<b>67</b>	<b>114</b>
<b>Inspections carried out</b>	<b>80</b>	<b>86</b>	<b>215</b>	<b>103</b>	<b>157</b>
<b>Indictments and misdemeanour reports</b>	<b>307</b>	<b>128</b>	<b>117</b>	<b>83</b>	<b>147</b>

**Table 4.3.**  
**Inspection relating to the protection of copyright in computer programs**  
**- State Inspectorate**

Year	Number of inspections	Filed indictments and misdemeanour reports under the CRRA		Number of computers as inspected	Number of computers in which a computer program has been installed without the author's consent	Illegally installed computer programs as found	
		Number	%			Number of computer programs	Value in EUR
2006.	216	89	41,2	938	331	565	274.652,00
2007.	716	155	21,6	2.120	416	653	317.430,00
2008.	1.269	260	20,5	1.950	510	925	not available
2009.	1.642	253	15,4	3.156	434	907	not available
2010.	not available*	454	-	3.790	511	970	not available

CRRA – Copyright and Related Rights Act

\*Since 01 January 2010 the Croatian State Inspectorate has been monitoring a **total number of completed supervisions** concerning copyright protection.

**Note:**

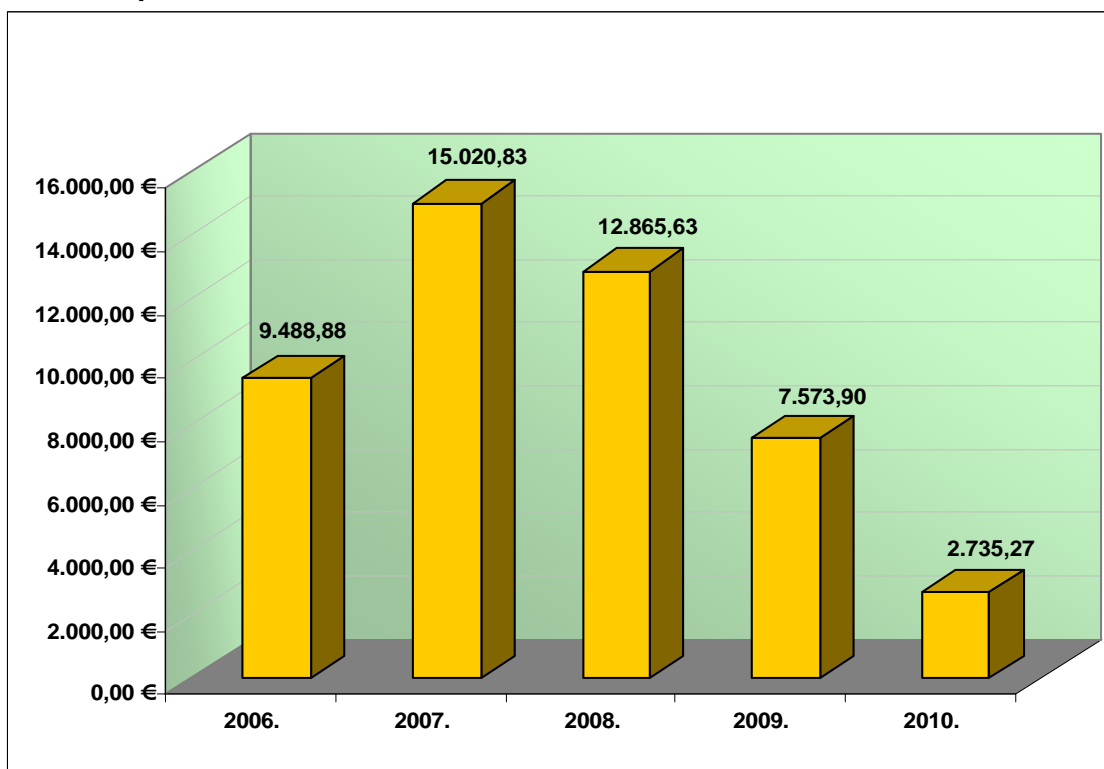
**Since 1 January 2010 the statistical data acquisition at the State Inspectorate of the Republic of Croatia has been conducted by way of the e-INQUEST REGISTER, where are registered data on the conducted inspections and measures taken by the competent economic inspectors (and inspections relating to the protection of intellectual property rights), in compliance with the Ordinance on the contents, form and method of keeping the e-INQUEST REGISTER.**

**Table 4.4.**  
**Inspections relating to the circulation of musical and cinematographic works recorded in audio and video carriers without the author's consent (pirated copies)**  
**- State Inspectorate**

Year	The number of inspections with identified misdemeanours and the number of indictments and misdemeanour reports under the CRRRA	Audio and video carriers as provisionally detained	
		Number of pieces	Value in €
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
2010.	82	1.001	2.735,27

CRRRA – Copyright and Related Rights Act

**Chart 4.2.**  
**The value of provisionally detained audio and video carriers, expressed in EUR**  
**- State Inspectorate**



**Table 4.5.**  
**Inspections of the circulation and reproduction of books without the author's and publisher's consent - State Inspectorate**

Year	Number of inspections	Number of indictments and misdemeanour reports under the CRRA	Provisionally detained goods - books	
			Number of pieces	Value in €
<b>2006.</b>	35	7	10	132
<b>2007.</b>	77	3	1	10
<b>2008.</b>	67	2	2	15
<b>2009.</b>	94	6	59	403,43
<b>2010.</b>	not available*	4	4	15,75

**CRRA** – Copyright and Related Rights Act

\*Since 01 January 2010 the Croatian State Inspectorate has been monitoring the **aggregate number of carried out supervisions** concerning copyright protection.

**Table 4.6.**

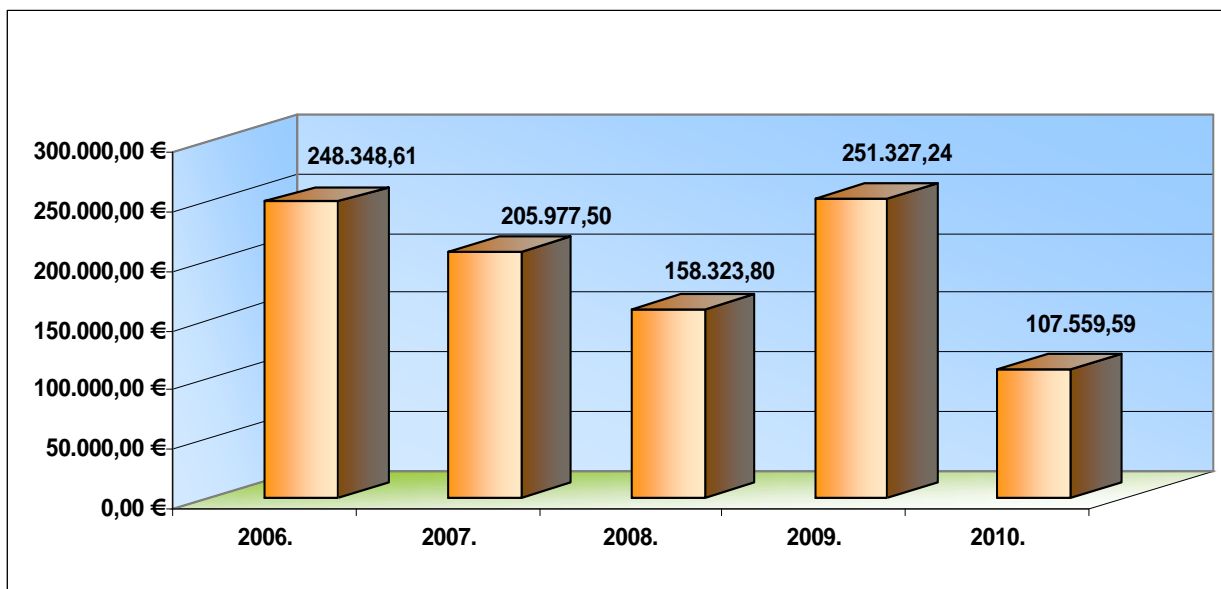
**Inspections of the circulation of products designated by a protected mark – a trademark, without a trademark holder’s consent (counterfeits)  
- State Inspectorate**

Year	Number of inspections	Number of indictments and misdemeanour reports under the TA		Provisionally detained goods	
		Number	%	Number of pieces	Value in €
<b>2006.</b>	2.486	329	13,23	47.643	248.348,61
<b>2007.</b>	2.020	277	13,71	18.001	205.977,50
<b>2008.</b>	2.878	325	11,29	42.704	158.323,80
<b>2009.</b>	2.271	224	9,86	30.032	251.327,24
<b>2010.</b>	2.547	415	16,29	11.735	107.559,59

TA –Trademark Act

**Chart 4.3.**

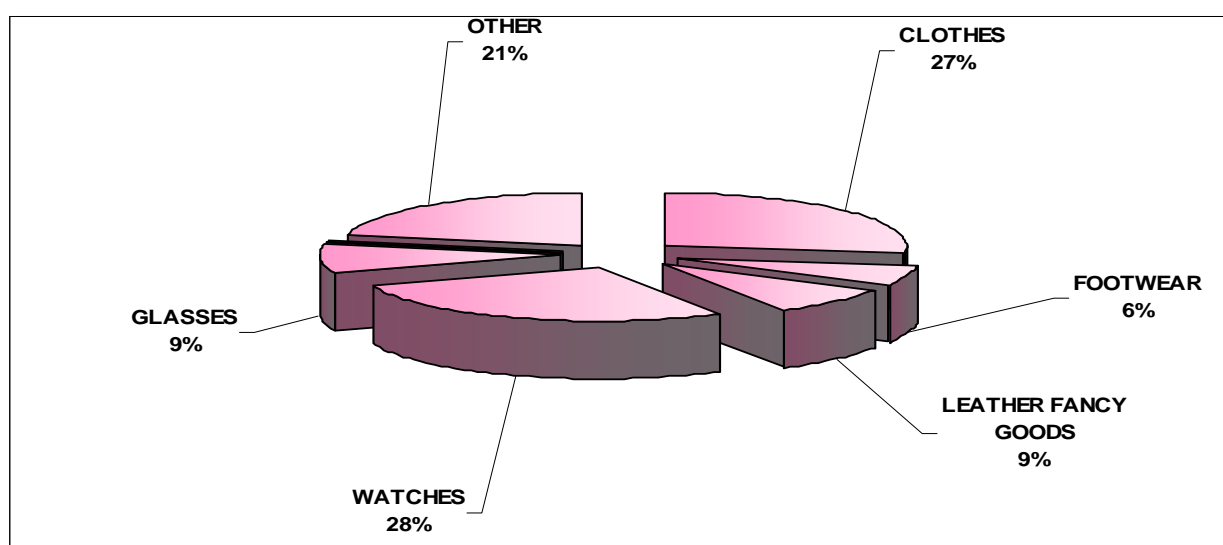
**The value of provisionally detained goods for infringing the trademark provisions, as expressed in EUR – State Inspectorate**



**Table 4.7.**  
**The types and number of pieces of provisionally detained goods under the Trademark Act, 2008 to 2010 – State Inspectorate**

TYPE OF DETAINED GOODS	QUANTITY					
	2008.		2009.		2010.	
	Pieces	%	Pieces	%	Pieces	%
<b>CLOTHES</b>	<b>5.694</b>	<b>13,32</b>	<b>14.640</b>	<b>48,75</b>	<b>3.175</b>	<b>27,06</b>
Sportswear	1.699	3,97	9.413	31,34	277	2,36
Other	3.157	7,39	480	1,60	1.070	9,12
Accessories (caps, scarves)	838	1,96	4747	15,81	1.828	15,58
<b>FOOTWEAR</b>	<b>658</b>	<b>1,53</b>	<b>476</b>	<b>1,58</b>	<b>701</b>	<b>5,97</b>
Sports footwear	655	1,53	304	1,01	197	1,68
Other	3		172	0,57	504	4,29
<b>LEATHER FANCY GOODS</b>	<b>2.611</b>	<b>6,11</b>	<b>974</b>	<b>3,24</b>	<b>1.012</b>	<b>8,62</b>
<b>WATCHES</b>	<b>2.277</b>	<b>5,33</b>	<b>3.547</b>	<b>11,81</b>	<b>3.264</b>	<b>27,81</b>
<b>GLASSES</b>	<b>5.838</b>	<b>13,66</b>	<b>7.313</b>	<b>24,35</b>	<b>1.054</b>	<b>8,98</b>
<b>PERFUMES</b>	<b>156</b>	<b>0,36</b>	<b>2</b>	<b>0,01</b>	<b>16</b>	<b>0,14</b>
<b>SOUVENIRS</b>	<b>0</b>	<b>0,00</b>	<b>0</b>	<b>0,00</b>		<b>0,00</b>
<b>OTHER</b> (earrings, necklaces, party games, car screens car flags, mascaras, ice-cream, flags, bracelets, toners)	<b>25.484</b>	<b>59,65</b>	<b>3.080</b>	<b>10,26</b>	<b>2.513</b>	<b>21,41</b>
<b>TOTAL</b>	<b>42.718</b>	<b>100,00</b>	<b>30.032</b>	<b>100,00</b>	<b>11.735</b>	<b>100,00</b>

**Chart 4.4.**  
**Proportion of the particular types of provisionally detained goods under the Trademark Act in 2010 – State Inspectorate**



**Table 4.8.**  
**Inspections relating to the circulation of products made according to a protected invention – State Inspectorate**

Year	Number of inspections	Indictments brought under the PA	Provisionally detained 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
2010.	1	0	0	0,00

PA – Patent Act

**Table 4.9.**  
**Inspections relating to the circulation of products concerning the protection of industrial designs – State Inspectorate**

Year	Number of inspections	Number of indictments and misdemeanour reports under the IDA	Provisionally detained goods	
			Number of pieces	Value in €
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
2010.	41	2	2	120,54

IDA – Industrial Design Act

**Table 4.10.**  
**Inspections relating to the circulation of products concerning the protection of geographical indications and designations of origin – State Inspectorate**

Year	Number of inspections	Misdemeanours identified in accordance with FA/ADOGIDTRAFP (since 2009)	Goods withdrawn from circulation	
			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.	42	0	0	0,00
2010.	90	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 FILED CRIMINAL COMPLAINTS**

Data have been presented concerning the number of criminal complaints filed against the known offenders which refer to the infringements of intellectual property rights.

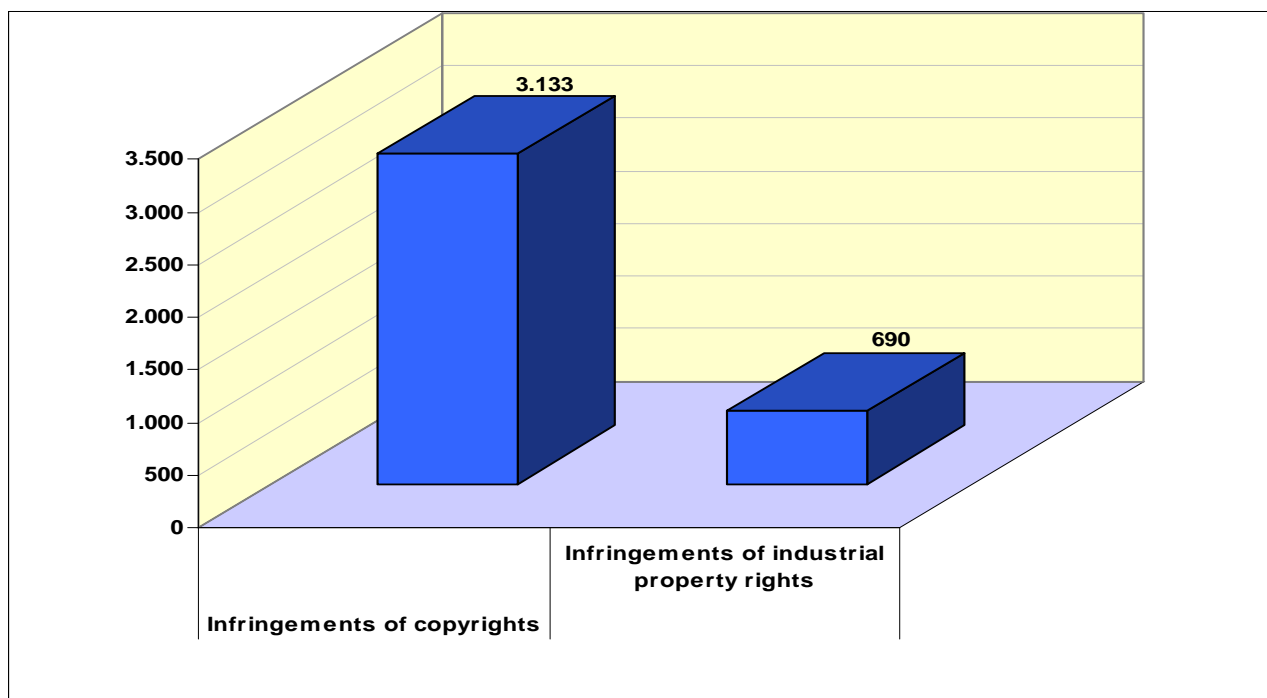
The Ministry of the Interior has been conducting statistical data collection and their record-keeping according to the number of perpetrated criminal offences, and a single criminal complaint may contain several criminal offences and several persons reported.



**Table 5.1.**  
**Data on the infringements of intellectual property rights, 1998-2010**  
**- Ministry of the Interior**

	Criminal offences	The number of filed criminal complaints against known offenders
Infringements of copyrights	Infringements of the rights of authors or of the rights of performers, Article 229 CC	13
	Unauthorized use of an author's work or of a performer's performance, Article 230 CC	2.992
	Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	128
	<b>Total copyrights</b>	<b>3.133</b>
Infringements of industrial property rights	Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	11
	Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	679
	<b>Total industrial property rights</b>	<b>690</b>
	<b>TOTAL</b>	<b>3.823</b>

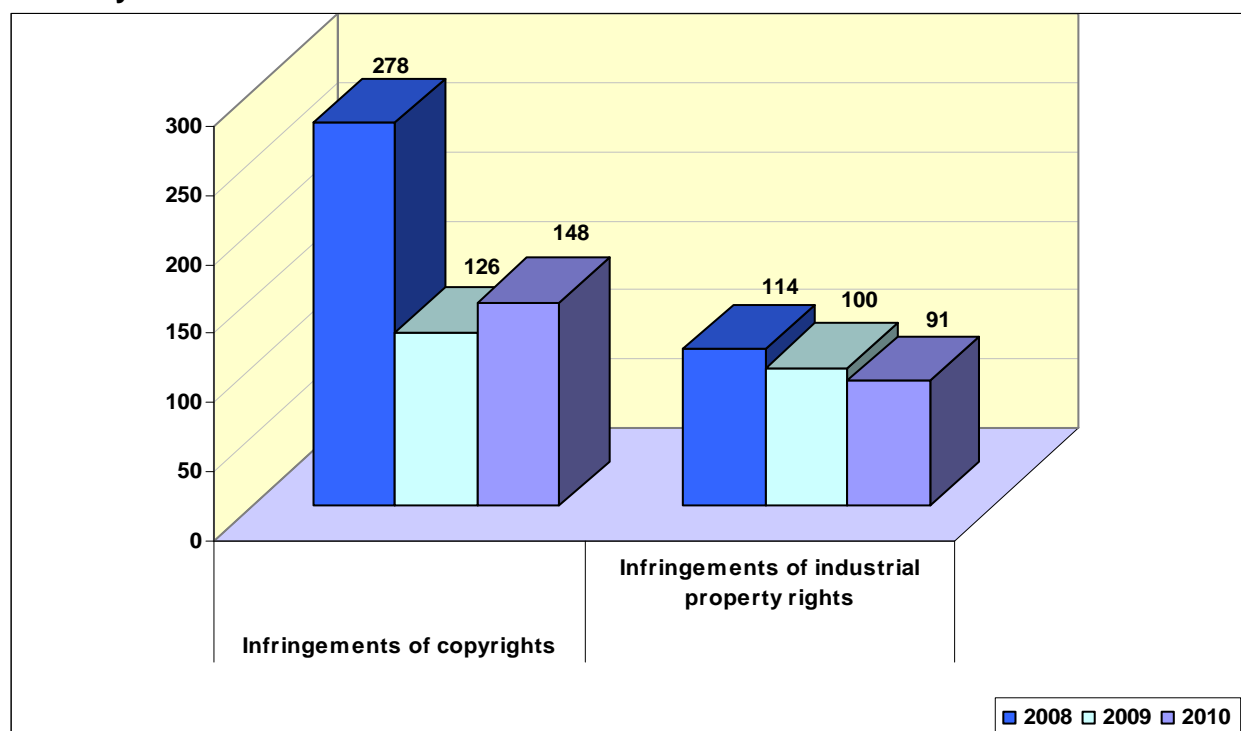
**Chart 5.1.**  
**Data on the infringements of intellectual property rights, 1998-2010**  
**- Ministry of the Interior**



**Table 5.2.**  
**Data on the infringements of intellectual property rights, 2008-2010**  
**- Ministry of interior**

		The number of filed criminal complaints against known offenders				
		Year				
Criminal offences		2008	2009	2010	2011	2012
Infringements of copyrights	Infringements of the rights of authors or of the rights of performers, Article 229 CC	0	2	1		
	Unauthorized use of an author's work or of a performer's performance, Article 230 CC	247	112	129		
	Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	31	12	18		
<b>Total copyrights</b>		<b>278</b>	<b>126</b>	<b>148</b>		
Infringements of industrial property rights	Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	2	0	5		
	Infringement of the industrial property rights and unauthorized use of another person's property, Article 285 CC	112	100	86		
<b>Total industrial property rights</b>		<b>114</b>	<b>100</b>	<b>91</b>		
<b>TOTAL</b>		<b>392</b>	<b>226</b>	<b>239</b>		

**Chart 5.2.**  
**Data on the infringements of intellectual property rights, 2008-2010**  
**- Ministry of the Interior**



## **6. STATE ATTORNEY OFFICE – STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY RIGHTS**

For the purpose of presenting statistical data within the competence of the State Attorney Office of the Republic of Croatia, the data have been presented in detail concerning the aggregate number of persons reported for criminal offences infringing the intellectual property rights, then data on the number of known offenders and the types of decisions made in these criminal cases by the state attorney offices, as well as the number of unknown offenders of the mentioned criminal offences.

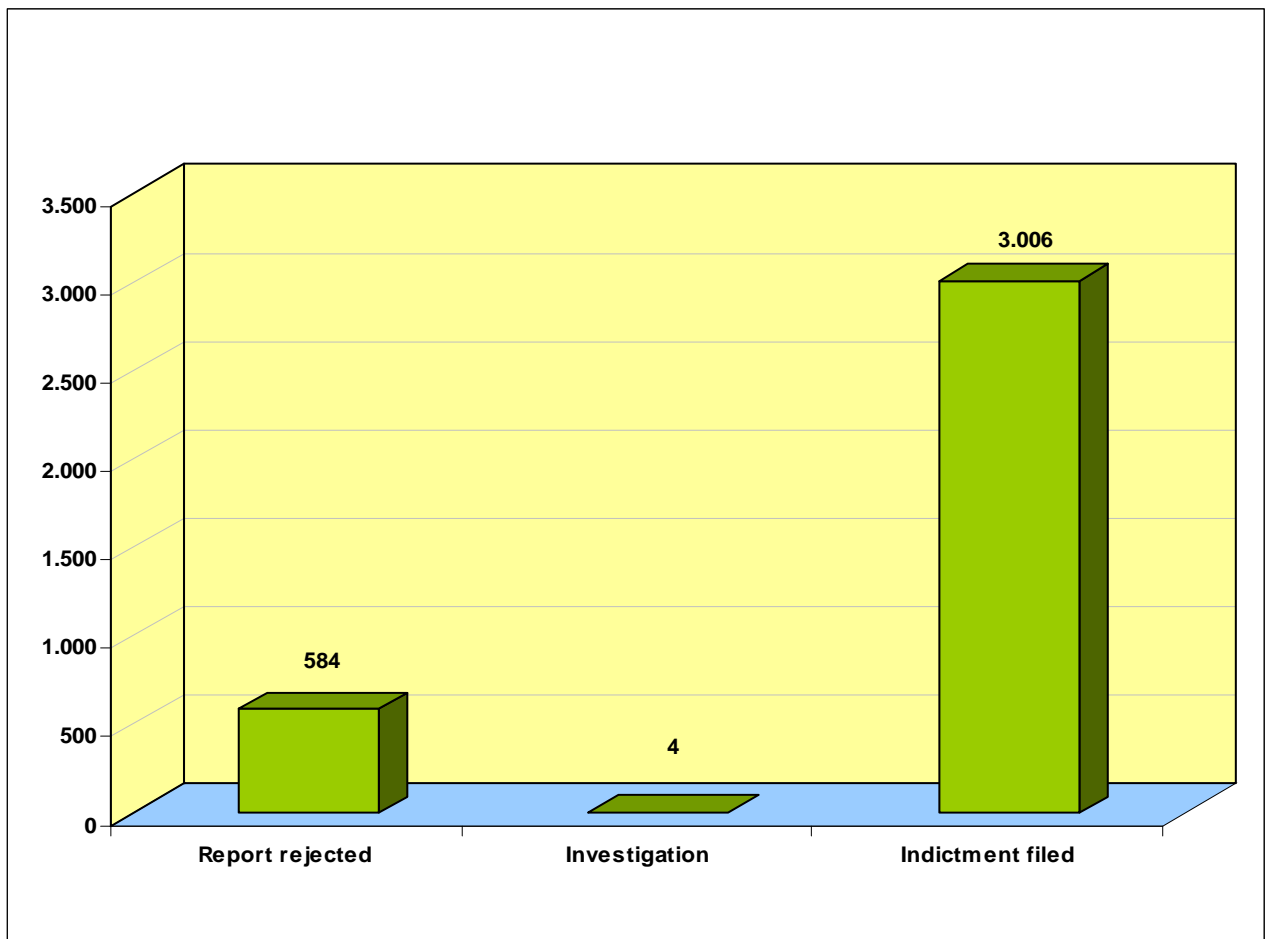
Given the State Attorney Office has been record-keeping of statistical data according to the persons - offenders, whereas the Ministry of the Interior (as the applicant of the majority of criminal complaints filed to the State Attorney Office) has been record-keeping of statistical data according to the number of criminal offences committed, consequently the statistical data of the mentioned institutions may not be entirely comparable, and they should be considered separately.

A certain number of reports with the state attorney offices have been directly filed by natural and legal persons.

**Table 6.1.**  
**Decisions by state attorney offices concerning criminal complaints relating to criminal offences infringing intellectual property, 2001 – 2010**  
**- State Attorney Office**

	Reported total	Known offenders				Unknown offenders
		Total	Report rejected	Investigation	Indictment filed	
<b>TOTAL</b>	3.846	3.692	584	4	3.006	154

**Chart 6.1.**  
**The types of decisions issued from 2001 to 2010 - State Attorney Office**



**Table 6.2.**

**Adult persons reported according to legal forms of decisions on criminal offences -  
Infringement of the rights of authors or of the rights of performers, Art. 229 CC  
– State Attorney Office**

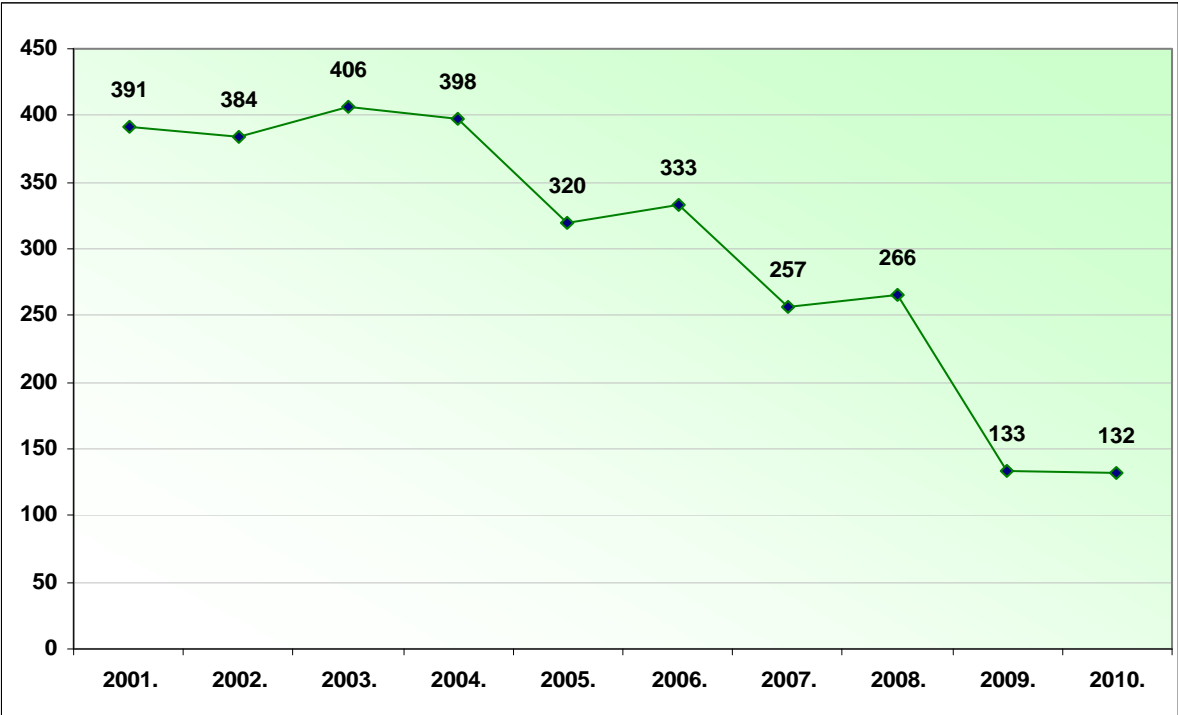
	Reported total	Known offenders				Unknown offenders
		Total	Report rejected	Investigation	Indictment filed	
TOTAL	47	43	18	2	13	4
2001.	4	4	1	1	2	0
2002.	3	3	1	1	1	0
2003.	4	3	2	0	1	1
2004.	6	4	4	0	0	2
2005.	3	3	3	0	0	0
2006.	6	6	3	0	3	0
2007.	8	8	4	0	4	0
2008.	2	2	0	0	2	0
2009.	2	1	0	0	0	1
2010.	9	9	0	0	0	0

**Table 6.3.**

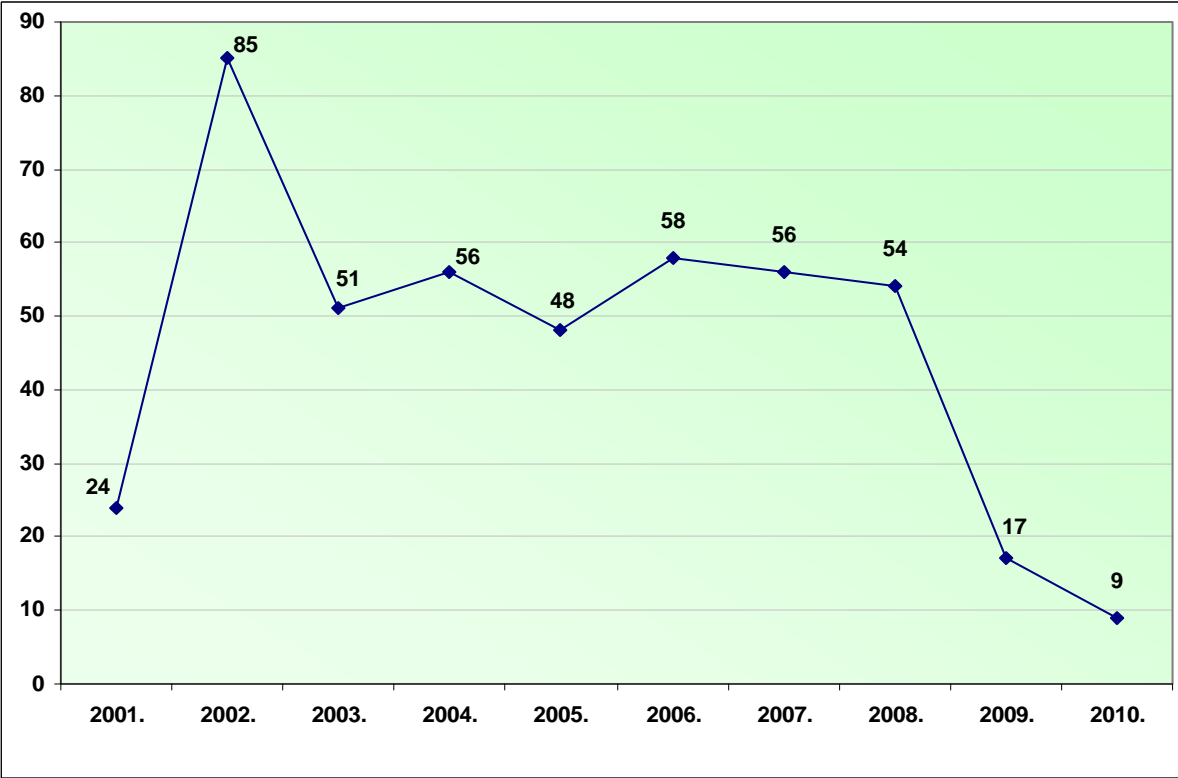
**Adult persons reported according to legal forms of decisions on criminal offences:  
Unauthorized use of an author's work or of a performer's performance, Art. 230 CC  
– State Attorney Office**

	Reported total	Known offenders				Unknown offenders
		Total	Report rejected	Investigation	Indictment filed	
TOTAL	3.103	2.977	440	0	2.459	126
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
2010.	124	123	9	0	41	1

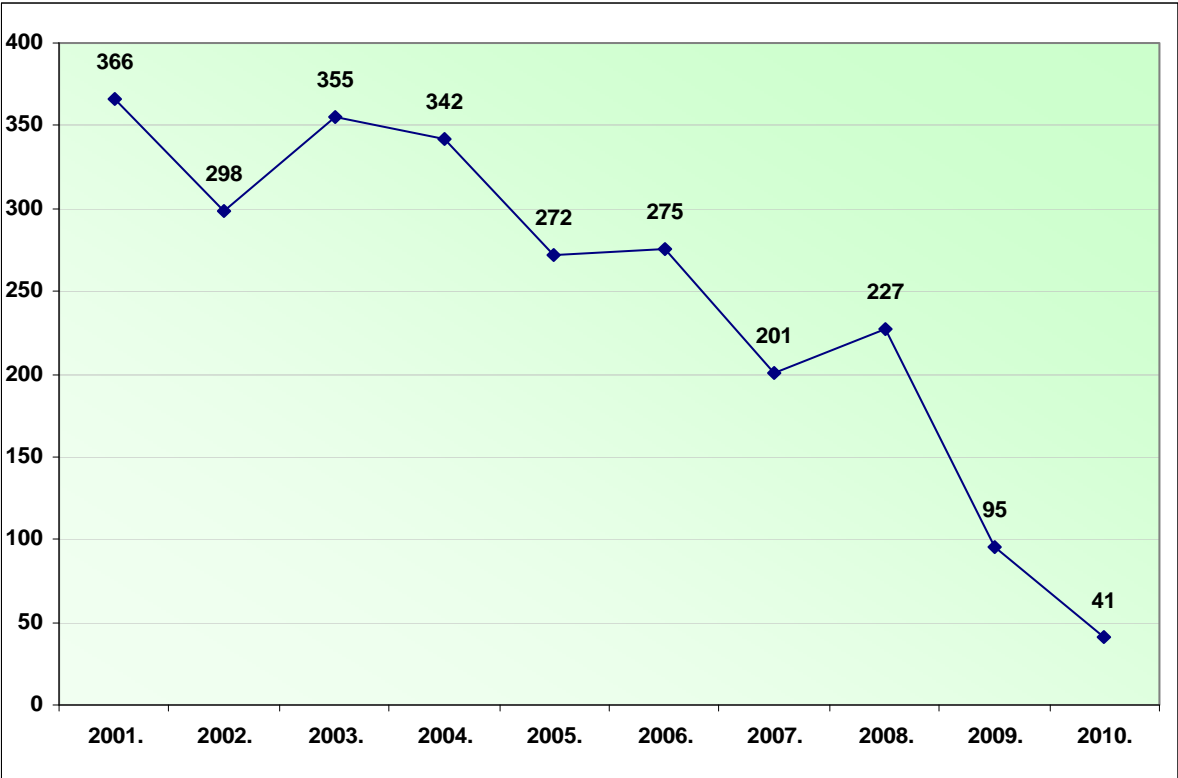
**Chart 6.2.**  
**Trends for adult persons reported on criminal offences relating to copyright (data from Tables 6.2. and 6.3.) – State Attorney Office**



**Chart 6.3.**  
**Trends of criminal complaints rejections concerning the infringements of copyright (aggregate data of Tables 6.2. and 6.3.) – State Attorney Office**



**Chart 6.4.**  
**Trends of indictments filed against copyright infringement (the aggregate data of Tables 6.2. and 6.3.) – State Attorney Office**



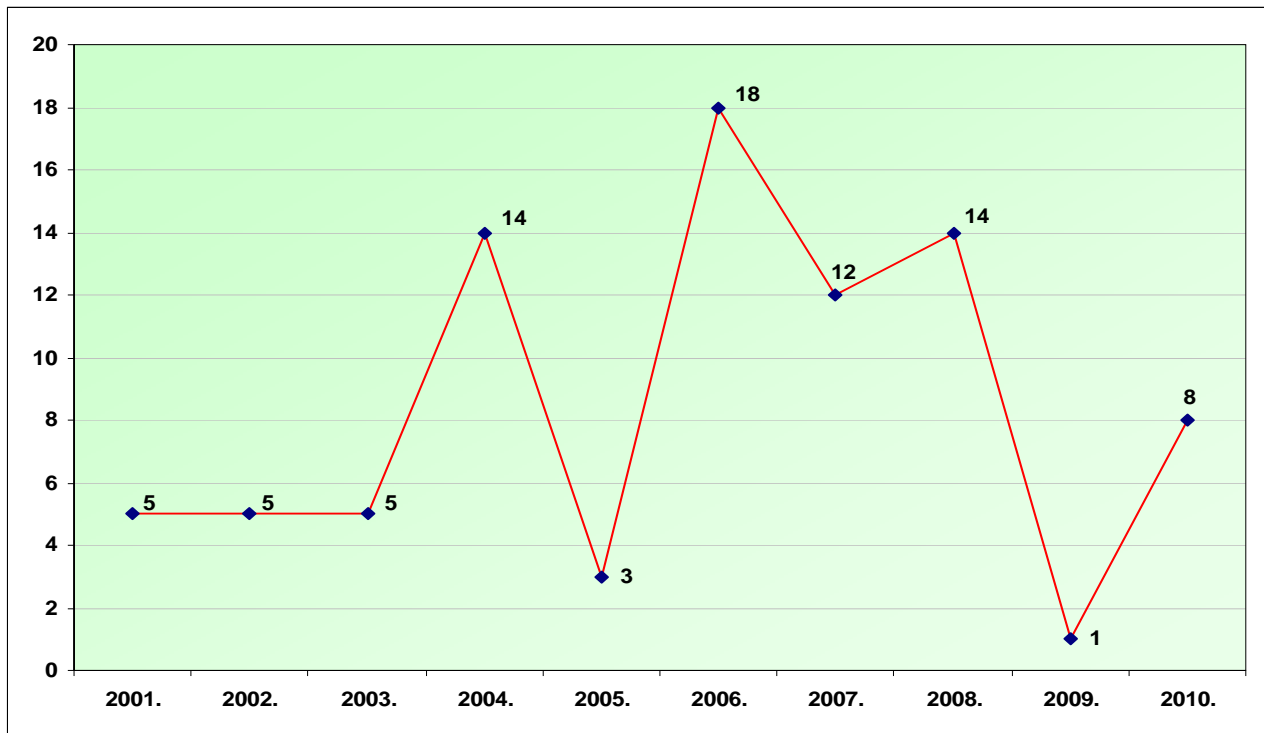
**Table 6.4.**

**Reported adult persons according to legal form of decisions taken on a criminal offence -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 offenders				Unknown offenders
		Total	Report rejected	Investigation	Indictment filed	
TOTAL	91	85	10	0	72	6
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
2010.	8	8	1	0	4	0

**Chart 6.5.**

**Trends of adult persons reported for criminal offences Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC - State Attorney Office**

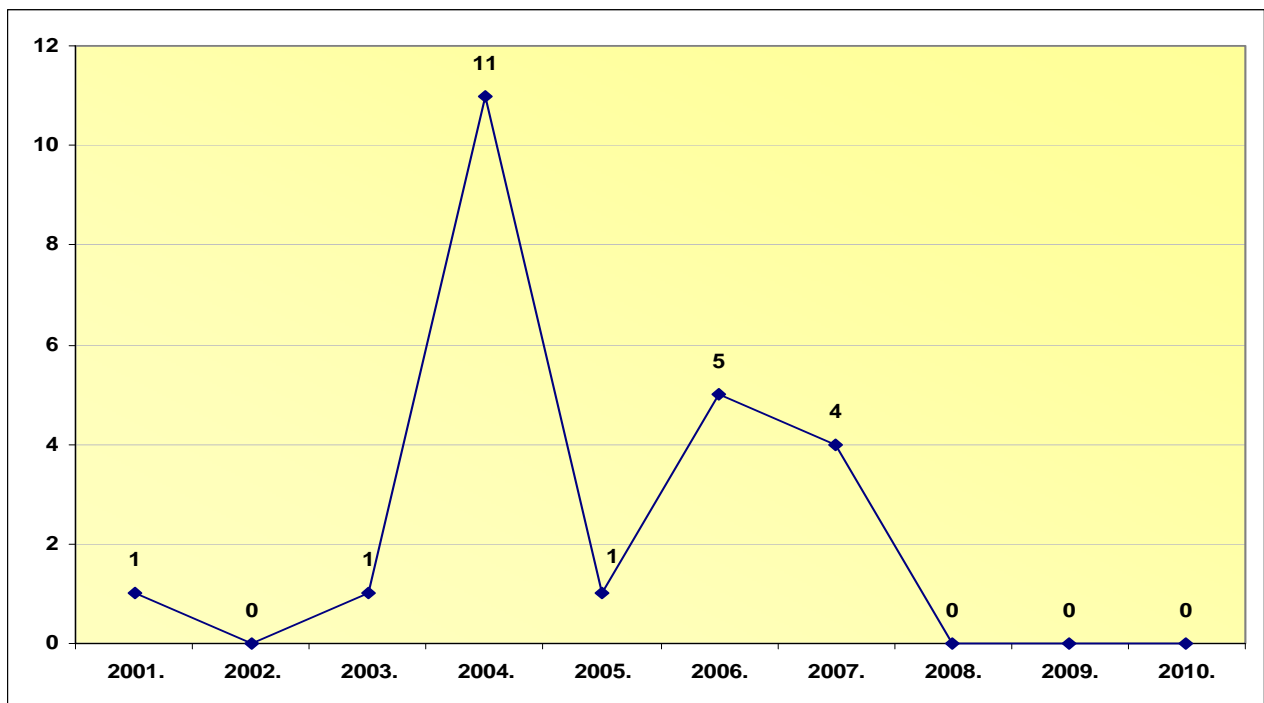




**Table 6.5.**  
**Trends of adult persons reported for criminal offence: Infringement of the right conferred by an invention applied for or protected, Art. 232 CC, - State Attorney Office**

	Reported total	Known offenders				Unknown offenders
		Total	Report rejected	Investigation	Indictment filed	
TOTAL	23	23	19	0	4	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
2010.	0	0	0	0	0	0

**Chart 6.6.**  
**Trends of adult persons reported for criminal offences - Infringements of the rights conferred by an invention applied for or protected - State Attorney Office**



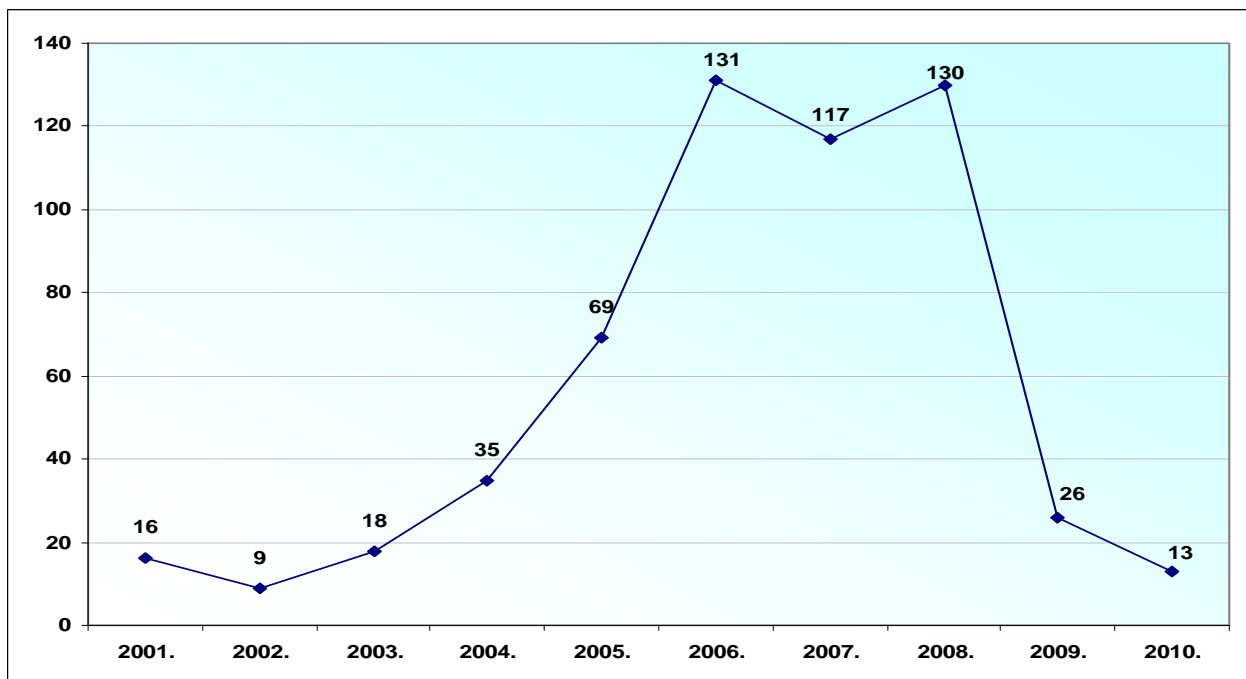
**Table 6.6.**

**Adult persons reported according to legal form of decisions on a criminal offence: Infringement of the industrial property rights and an unauthorized use of another person's property, Art. 285 CC - State Attorney Office**

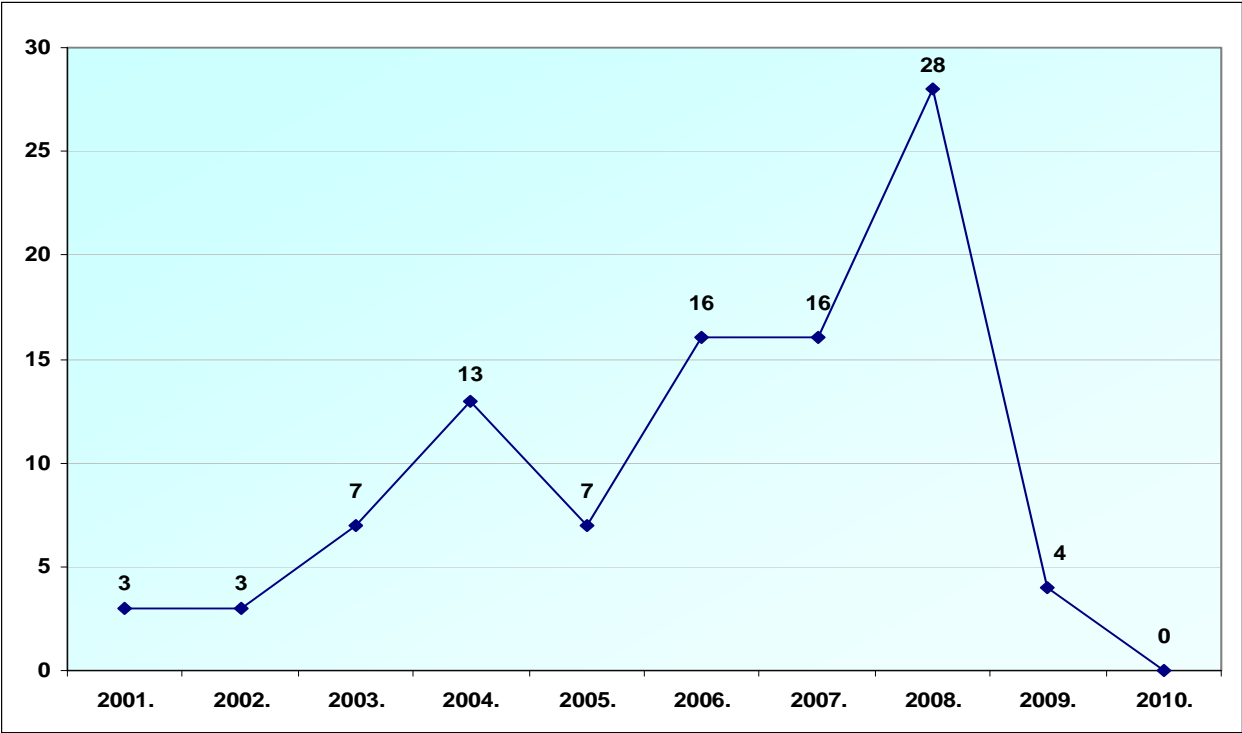
	Reported total	Known offenders				Unknown offenders
		Total	Report rejected	Investigation	Indictment filed	
<b>TOTAL</b>	582	564	97	2	458	18
2001.	18	16	3	2	11	2
2002.	9	9	3	0	6	0
2003.	20	18	7	0	11	2
2004.	35	35	13	0	22	0
2005.	71	69	7	0	62	2
2006.	133	131	16	0	115	2
2007.	122	117	16	0	101	5
2008.	130	130	28	0	102	0
2009.	31	26	4	0	22	5
2010.	13	13	0	0	6	0

**Chart 6.7.**

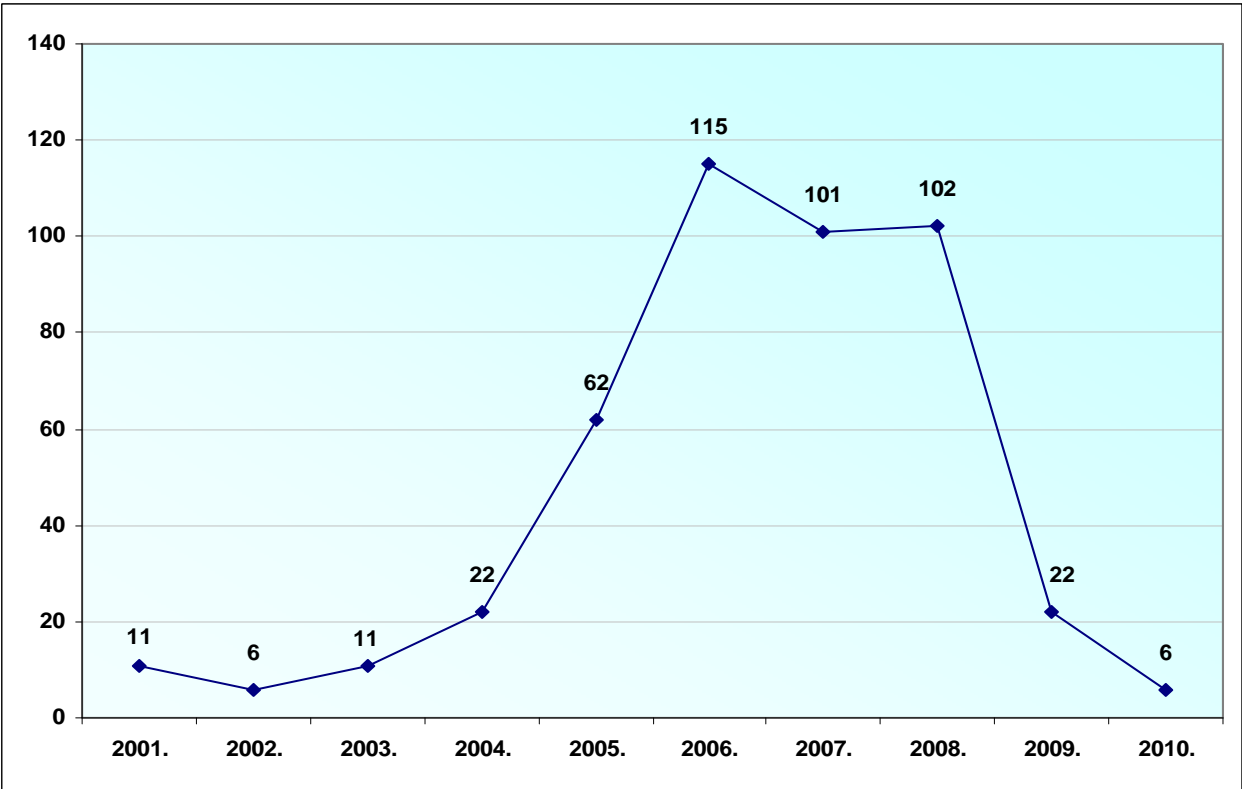
**Trends of adult persons reported for criminal offences - Infringement of industrial property rights and an unauthorized use of another person's property - State Attorney Office**



**Chart 6.8.**  
**Trends in rejecting criminal complaints for the infringements of industrial property rights - State Attorney Office**



**Chart 6.9.**  
**Trends of indictments filed against the infringements of industrial property rights - State Attorney Office**



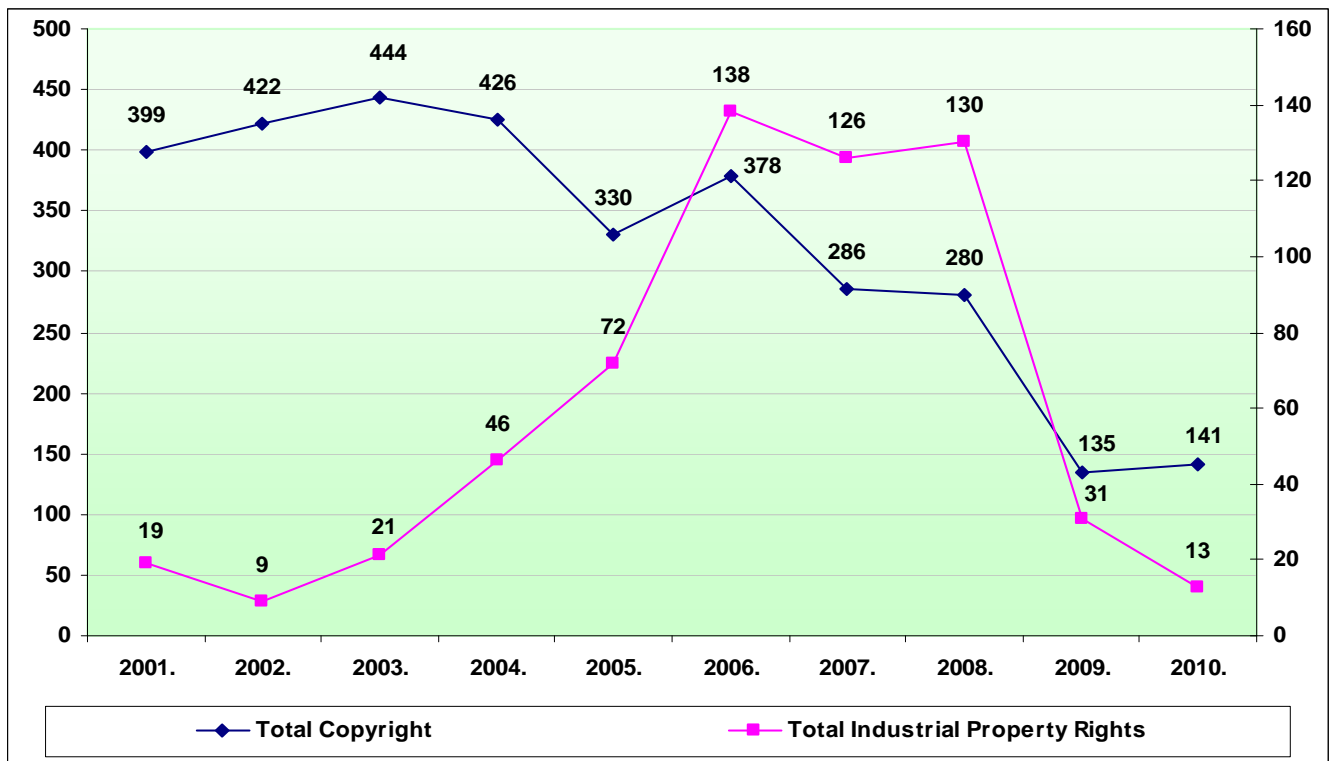
**Table 6.7.**

**Adult persons reported on criminal offences: Infringement of intellectual property rights - State Attorney Office**

	Criminal offences	Year									
		2001.	2002.	2003.	2004.	2005.	2006.	2007.	2008.	2009.	2010.
Copyright	Art. 229 CC	4	3	4	6	3	6	8	2	2	9
	Art. 230 CC	390	410	435	404	324	354	266	264	132	124
	Art. 231 CC	5	9	5	16	3	18	12	14	1	8
Total Copyright		399	422	444	426	330	378	286	280	135	141
Industrial Property	Art. 232 CC	1	0	1	11	1	5	4	0	0	0
	Art. 285 CC	18	9	20	35	71	133	122	130	31	13
Total Industrial Property Rights		19	9	21	46	72	138	126	130	31	13

**Chart 6.10.**

**Trends of adult persons reported on criminal offences - Infringement of copyrights and related rights and infringements of industrial property rights - State Attorney Office**



## **7. CRIMINAL COURTS - DECISIONS**

### **7.1. Criminal Law Sanctions**

As regards the course of action of criminal procedure following the issue of an indictment or a charge brought by the State Attorney Office, concerning the infringements of intellectual property rights, a presentation in detail is given of statistical data on the aggregate number of persons accused, the number of persons found guilty and of the types of decisions taken by criminal courts in cases persons were not found guilty, such as:

- the number of discontinuation of the criminal proceedings
- the number of dismissal of claims
- the number of acquittals
- the number of persons not found guilty being mentally incompetent.

The structure of criminal sanctions imposed in these criminal offences has been presented, for each single type of criminal offence referring to the infringement of intellectual property rights.

The statistical data have also been presented concerning the number of judicial proceedings in which offenders were imposed security measures of detention of goods and material gain, as well as data concerning cost estimates of the fines imposed.

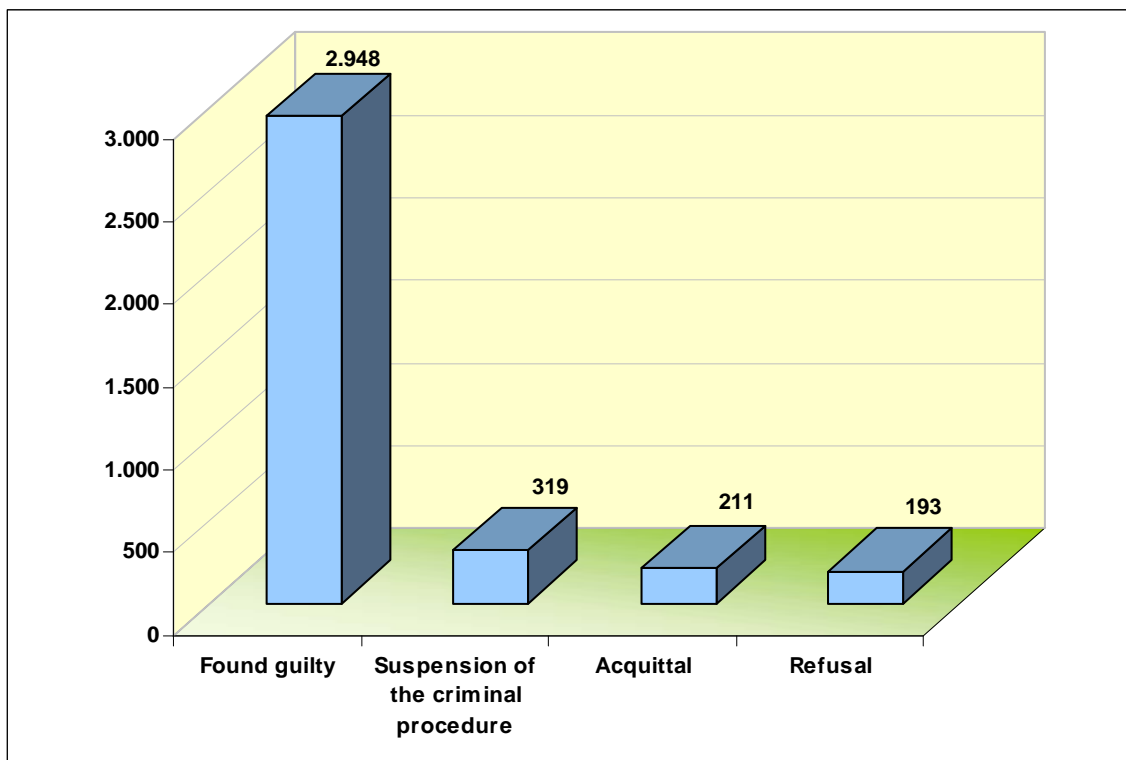
**Table 7.1.0.****Data on the legal forms of judicial decisions concerning offenders – criminal offences of infringing intellectual property rights in 2010**

	Persons accused Total	Persons found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
<b>TOTAL</b>	<b>239</b>	<b>203</b>	<b>17</b>	<b>13</b>	<b>6</b>	<b>0</b>
Infringements of the authors' or of the performers' rights, Article 229 CC	1	0	1	0	0	0
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	140	115	15	5	5	0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	21	18	0	2	1	0
<b>Total Copyright</b>	<b>162</b>	<b>133</b>	<b>16</b>	<b>7</b>	<b>6</b>	<b>0</b>
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	1	1	0	0	0	0
Infringement of the industrial property rights and unauthorized use of another person's property, Article 285 CC	76	69	1	6	0	0
<b>Total Industrial property</b>	<b>77</b>	<b>70</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>0</b>

**Table 7.1.1.**  
**Court decisions on criminal offences concerning the infringement of intellectual property rights 2001 - 2010**

Accused Total	Found guilty	Not found guilty			
		Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
3.673	2.948	319	211	193	2

**Chart 7.1.1.**  
**Legal forms of decisions concerning all infringements of intellectual property rights 2001 – 2010 - Criminal courts**



**Table 7.1.2.**

**Adult persons accused according to legal forms of decision on a criminal offence concerning 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
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
2010.	1	0	1	0	0	0

**Chart 7.1.2.**

**Trends of adult persons accused and found guilty for a criminal offence – infringement of the rights of authors or the rights of performers, Art. 229 CC – Court decisions**





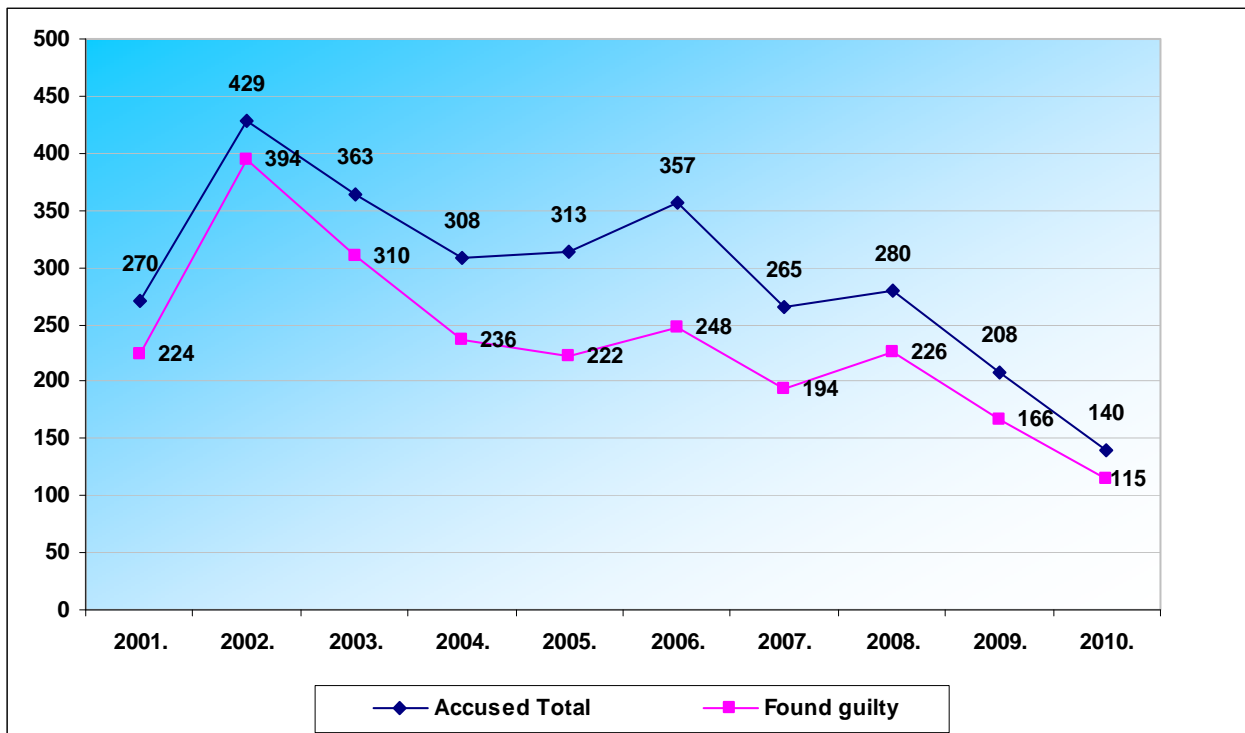
**Table 7.1.3.**

**Adult persons accused according to the legal forms of decision on a criminal offence: Unauthorised use of a copyrighted work or of a performance of the performing artist, Art. 230 CC – Court decisions**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	2.933	2.335	266	170	160	2
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
2010.	140	115	15	5	5	0

**Chart 7.1.3.**

**Trends of adult persons accused and found guilty on a criminal offence: Unauthorised use of a copyright work or of a performance of the performing artist, Art. 230 CC – Court decisions**



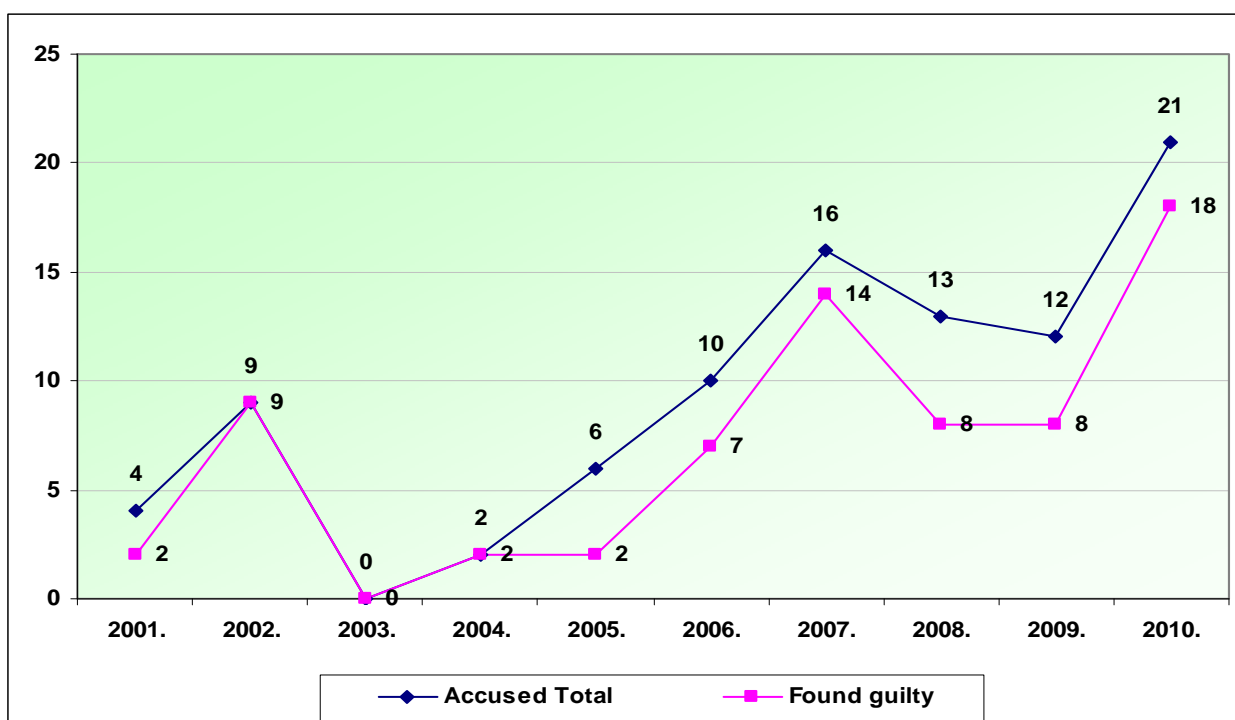
**Table 7.1.4.**

**Adult persons accused according to the legal forms of decision on a criminal offence: Infringements 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	93	70	11	5	7	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
2010.	21	18	0	2	1	0

**Chart 7.1.4.**

**Trend of adult persons accused and found guilty for a criminal offence: Infringements of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC – Court decisions**



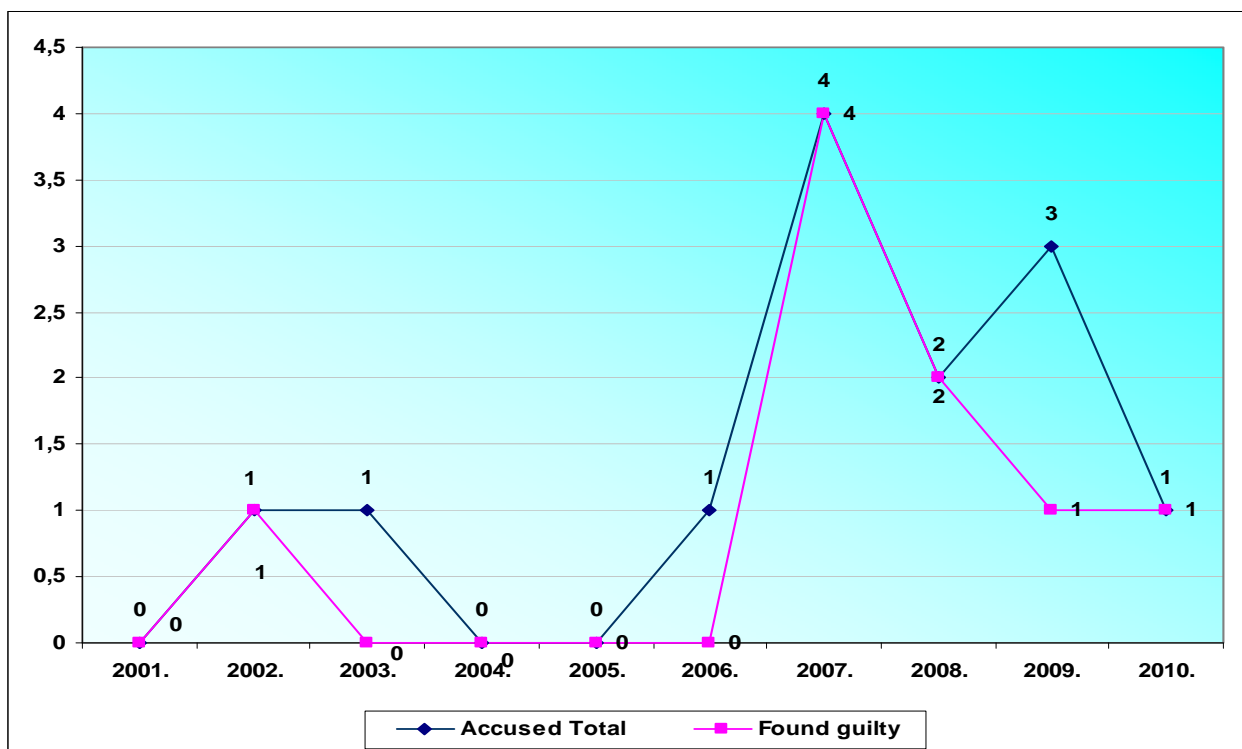
**Table 7.1.5.**

**Adult persons accused according to the legal forms of decision on a criminal offence  
Infringements 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	13	9	3	0	1	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
2010.	1	1	0	0	0	0

**Chart 7.1.5.**

**Trend of adult persons accused and found guilty for a criminal offence: Infringements of  
the rights conferred by an invention applied for or protected, Art. 232 CC  
- Courts decisions**



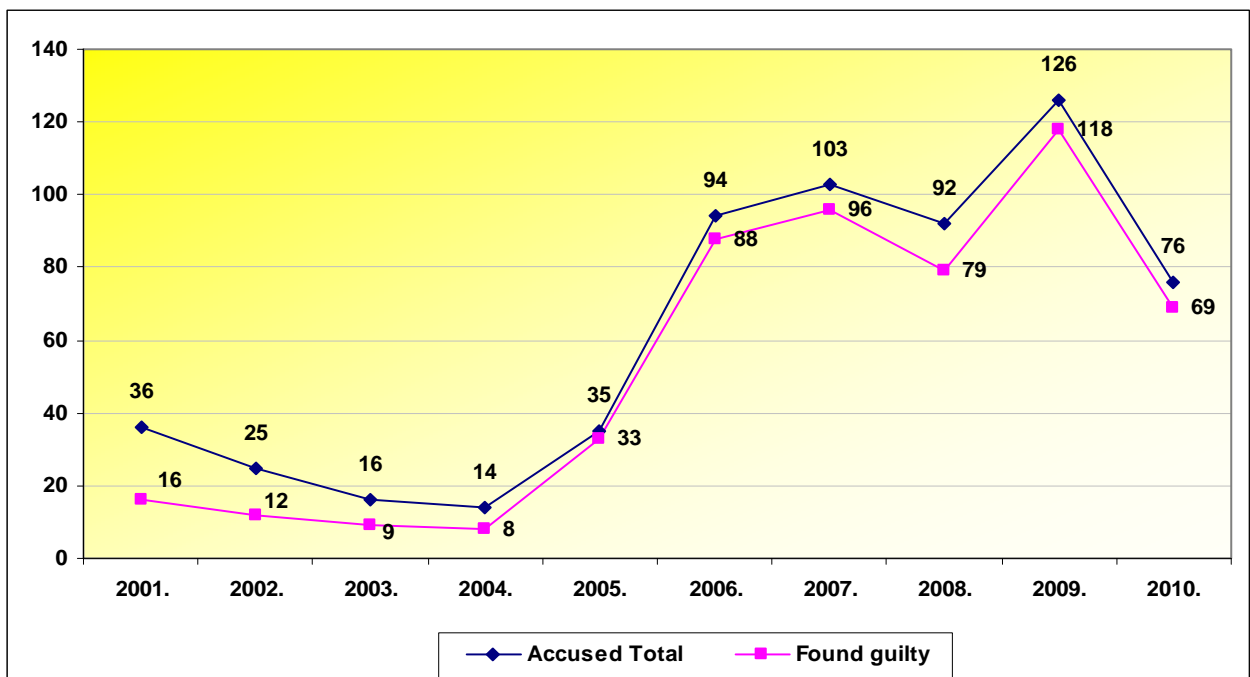
**Table 7.1.6.**

**Adult persons accused according to the legal forms of decision on a criminal offence  
Infringements of the industrial property rights and unauthorized use of another's  
property, Art. 285 CC - Court decisions**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	617	528	31	34	24	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
2010.	76	69	1	6	0	0

**Chart 7.1.6.**

**Trend of adult persons accused and found guilty on a criminal offence: Infringements of the industrial property rights and unauthorized use of another's property, Art. 285 CC - Court decisions**

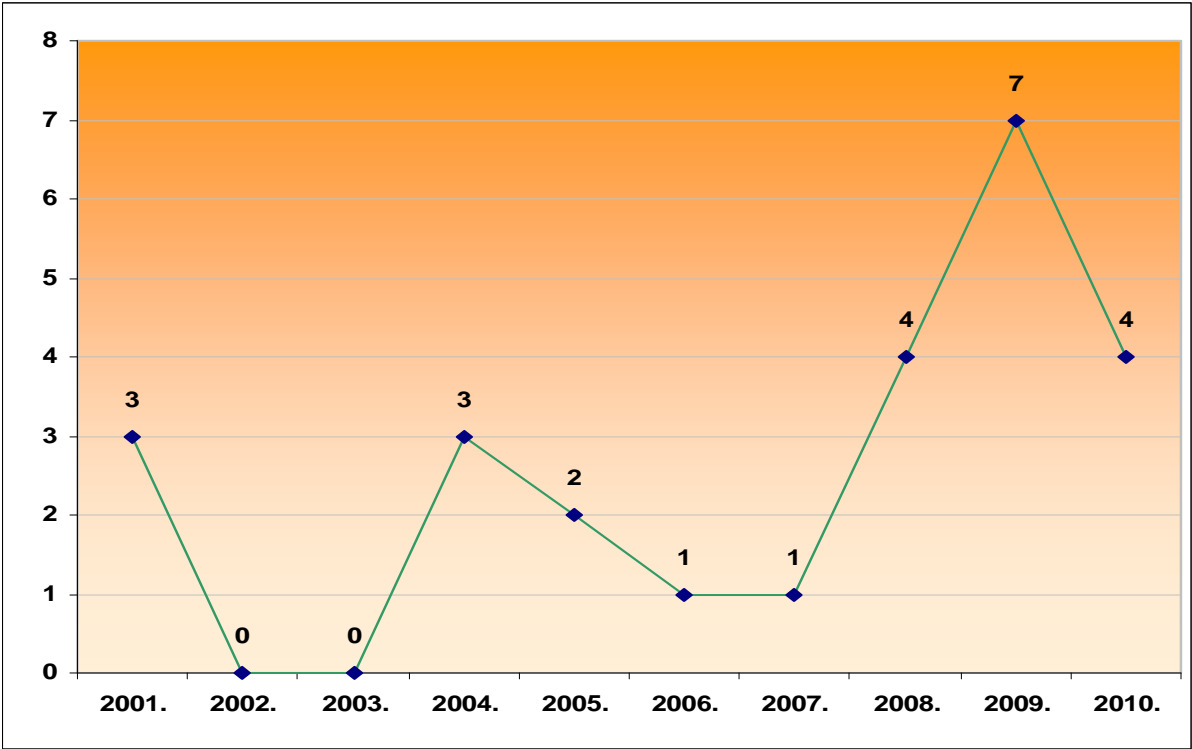


**Table 7.1.7.**

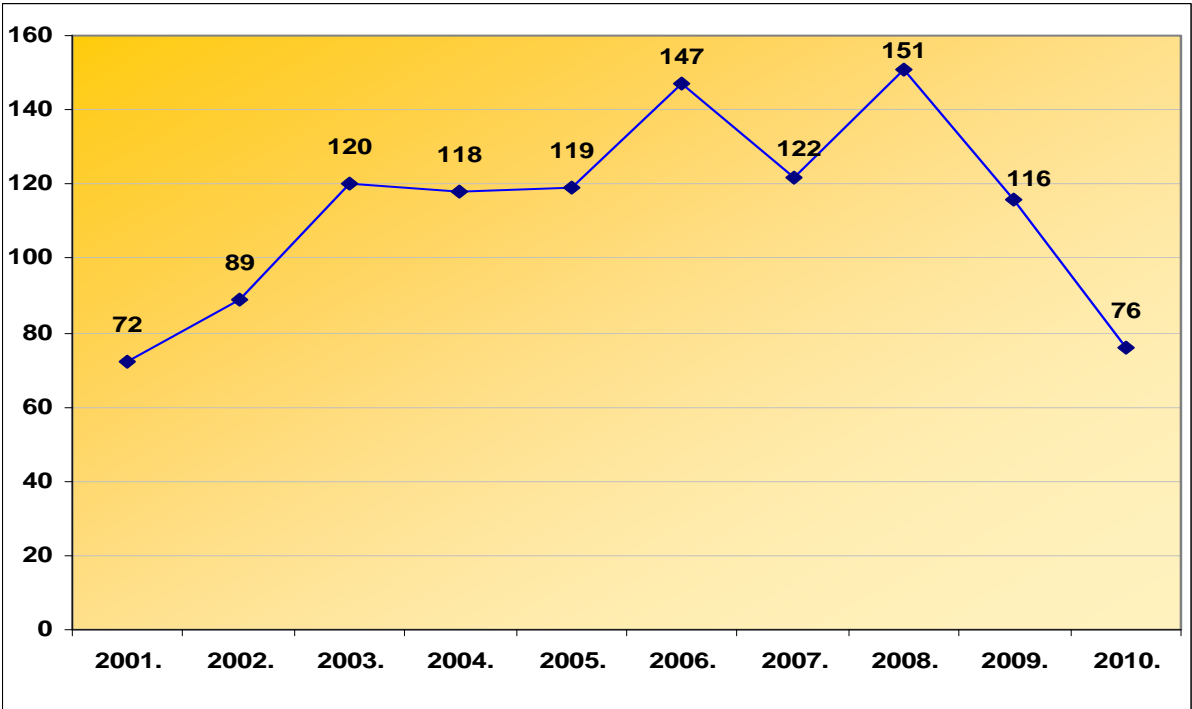
**Persons convicted according to sanctions imposed in accordance with Art. 230 CC (copyright – pirated goods) - Imprisonments as imposed**

	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
<b>TOTAL</b>	<b>25</b>	<b>6</b>	<b>11</b>	<b>6</b>	<b>0</b>	<b>2</b>	<b>1.130</b>	<b>56</b>	<b>204</b>	<b>378</b>	<b>297</b>	<b>110</b>	<b>85</b>
<b>2001.</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>72</b>	<b>1</b>	<b>6</b>	<b>21</b>	<b>17</b>	<b>13</b>	<b>14</b>
<b>2002.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>89</b>	<b>0</b>	<b>6</b>	<b>30</b>	<b>27</b>	<b>14</b>	<b>12</b>
<b>2003.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>120</b>	<b>2</b>	<b>14</b>	<b>38</b>	<b>42</b>	<b>15</b>	<b>9</b>
<b>2004.</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>118</b>	<b>1</b>	<b>16</b>	<b>38</b>	<b>37</b>	<b>12</b>	<b>14</b>
<b>2005.</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>119</b>	<b>2</b>	<b>24</b>	<b>40</b>	<b>38</b>	<b>8</b>	<b>7</b>
<b>2006.</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>147</b>	<b>5</b>	<b>29</b>	<b>49</b>	<b>43</b>	<b>13</b>	<b>8</b>
<b>2007.</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>122</b>	<b>4</b>	<b>19</b>	<b>43</b>	<b>36</b>	<b>14</b>	<b>6</b>
<b>2008.</b>	<b>4</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>151</b>	<b>7</b>	<b>29</b>	<b>54</b>	<b>35</b>	<b>15</b>	<b>11</b>
<b>2009.</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>116</b>	<b>18</b>	<b>38</b>	<b>39</b>	<b>14</b>	<b>4</b>	<b>3</b>
<b>2010.</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>76</b>	<b>16</b>	<b>23</b>	<b>26</b>	<b>8</b>	<b>2</b>	<b>1</b>

**Chart 7.1.7.**  
**Unconditional imprisonments for a criminal offence Infringements of copyright –**  
**pirated copies**



**Chart 7.1.8.**  
**Conditional imprisonments for criminal offences Infringements of copyright –**  
**pirated copies**

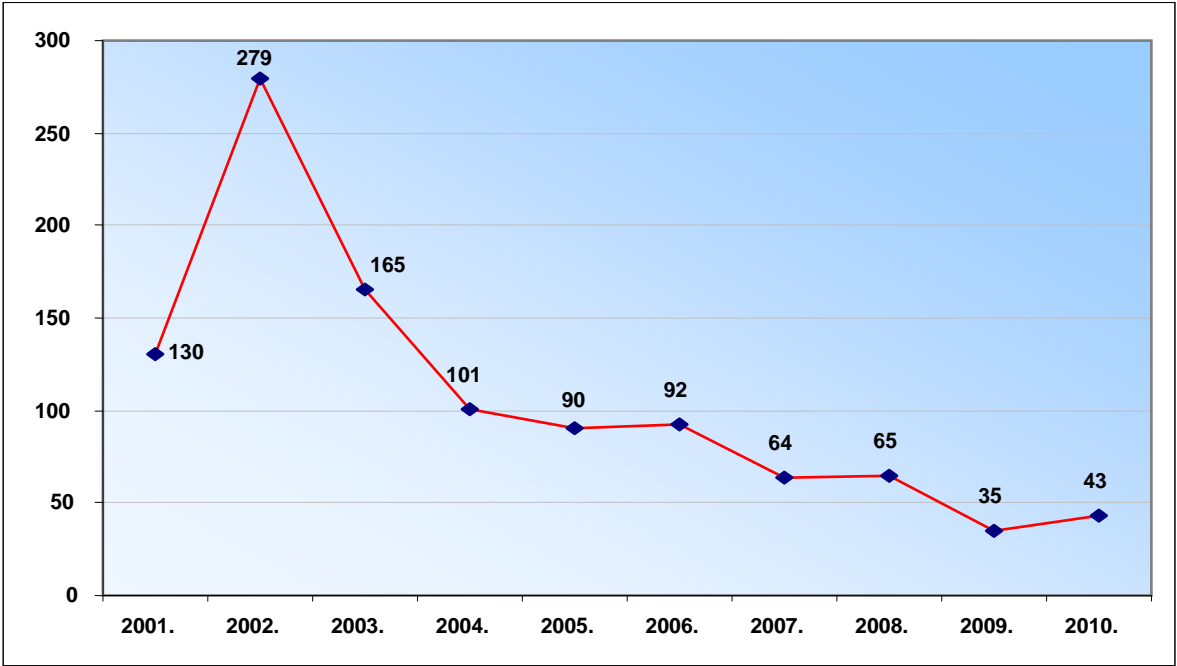


**Table 7.1.8.**

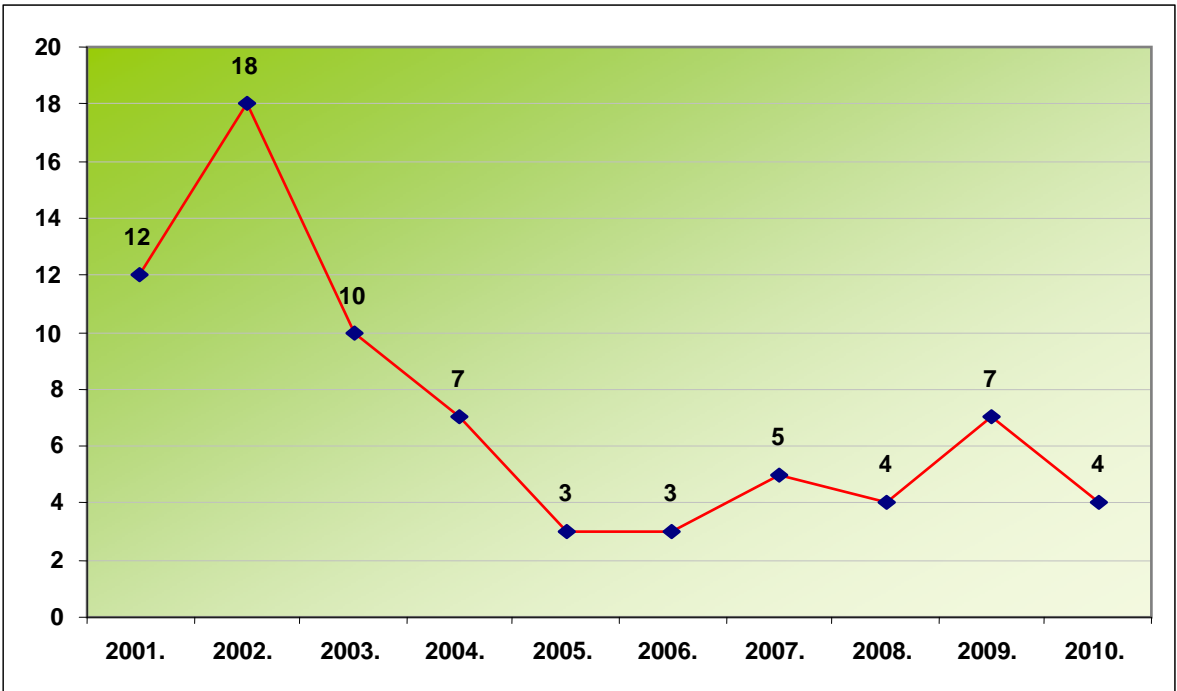
**Persons convicted according to sanctions imposed in accordance with Art. 230 CC (copyright – pirated goods)  
- Fines and other sanctions as imposed (continuation)**

	Unconditional fine (expressed in daily income)					Conditional fine (expressed in daily income)					Other sanctions		
	Total	10 to 25	51 to 75	76 to 100	101 to 150	Total	10 to 25	26 to 50	51 to 75	76 to 100	Judicial admonition	Educational measures	Suspension of juvenile prison
<b>TOTAL</b>	<b>1.064</b>	<b>708</b>	<b>66</b>	<b>32</b>	<b>6</b>	<b>73</b>	<b>43</b>	<b>21</b>	<b>5</b>	<b>4</b>	<b>49</b>	<b>5</b>	<b>1</b>
<b>2001.</b>	<b>130</b>	88	34	5	3	<b>12</b>	9	1	2	0	7	0	0
<b>2002.</b>	<b>279</b>	243	31	2	3	<b>18</b>	14	4	0	0	8	0	0
<b>2003.</b>	<b>165</b>	100	56	5	4	<b>10</b>	6	3	0	1	13	2	0
<b>2004.</b>	<b>101</b>	58	38	3	2	<b>7</b>	4	3	0	0	6	1	0
<b>2005.</b>	<b>90</b>	49	34	2	5	<b>3</b>	2	0	0	1	6	2	0
<b>2006.</b>	<b>92</b>	47	35	2	8	<b>3</b>	0	2	1	0	4	0	1
<b>2007.</b>	<b>64</b>	29	24	5	6	<b>5</b>	1	1	2	1	2	0	0
<b>2008.</b>	<b>65</b>	30	31	1	3	<b>4</b>	1	3	0	0	2	0	0
<b>2009.</b>	<b>35</b>	29	5	1	0	<b>7</b>	3	3	0	1	1	0	0
<b>2010.</b>	<b>43</b>	35	6	2	0	<b>4</b>	3	1	0	0	0	0	0

**Chart 7.1.9.**  
**Unconditional fines (expressed in daily income) for criminal offences: Infringements of copyright – pirated copies**



**Chart 7.1.10.**  
**Conditional fines (expressed in daily income) for criminal offences Infringements of copyright – pirated copies**





**Table 7.1.9.**

**Persons convicted 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
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>4</b>	<b>1</b>	<b>214</b>	<b>31</b>	<b>72</b>	<b>61</b>	<b>27</b>	<b>15</b>
<b>2001.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>2</b>
<b>2002.</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2003.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2004.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>0</b>	<b>1</b>
<b>2006.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>0</b>	<b>11</b>	<b>13</b>	<b>1</b>	<b>0</b>
<b>2007.</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>35</b>	<b>0</b>	<b>9</b>	<b>13</b>	<b>5</b>	<b>5</b>
<b>2008.</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>53</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>6</b>	<b>5</b>
<b>2009.</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>20</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>10</b>	<b>0</b>
<b>2010.</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>39</b>	<b>12</b>	<b>17</b>	<b>5</b>	<b>3</b>	<b>2</b>

**Table 7.1.10.**

**Persons convicted by sanctions imposed in accordance with Art. 285 CC (industrial property right)  
– Fines and other sanctions as imposed (continuation)**

	Unconditional fine (expressed in daily income)							Other sanctions		
	Total	10 to 25	51 to 75	101 to 150	10 to 25	26 to 50	51 to 75	Judicial admonition	Educational measures	Suspension of juvenile prison
<b>TOTAL</b>	<b>311</b>	<b>91</b>	<b>105</b>	<b>4</b>	<b>8</b>	<b>23</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>2001.</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2002.</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2003.</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2004.</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>18</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>2006.</b>	<b>62</b>	<b>19</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2007.</b>	<b>55</b>	<b>22</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2008.</b>	<b>25</b>	<b>12</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2009.</b>	<b>96</b>	<b>14</b>	<b>74</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2010.</b>	<b>40</b>	<b>17</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>14</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Chart 7.1.11.**  
**Unconditional fines (expressed in daily income) for criminal offences Infringements of intellectual property rights**

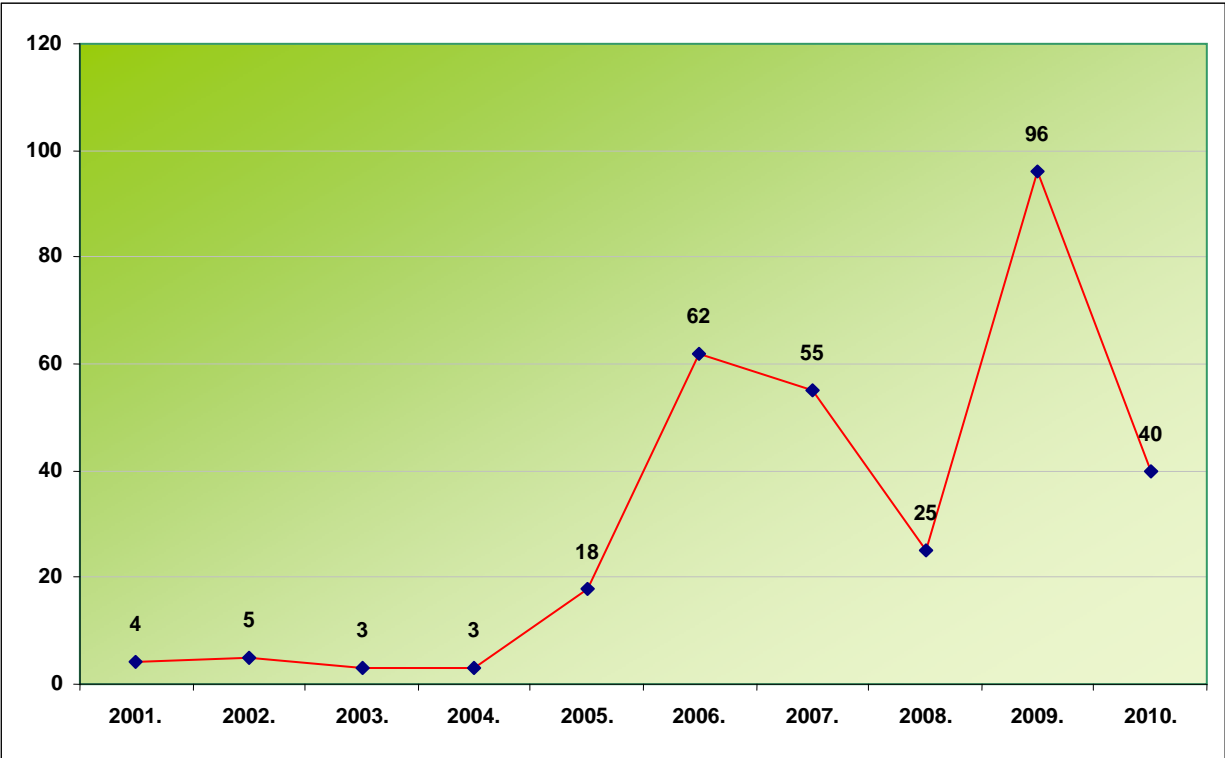


Table 7.1.11.

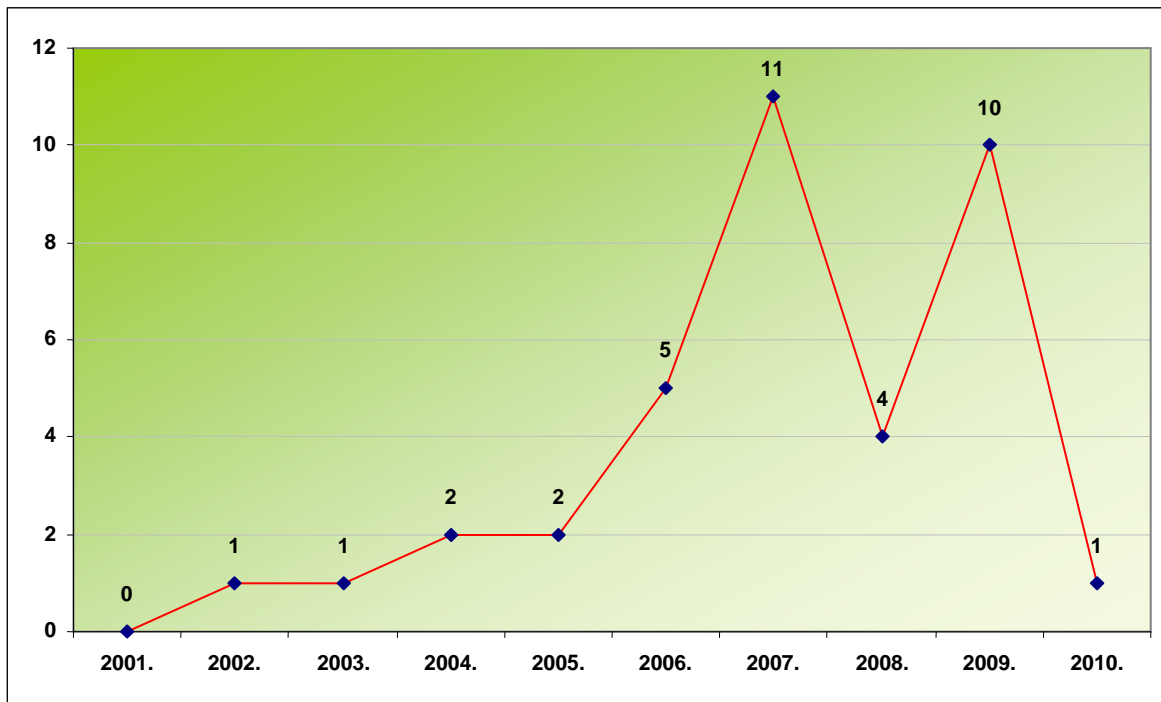
Persons convicted by sanctions imposed for other infringements – the right conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code)

– 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
<b>TOTAL</b>	<b>37</b>	<b>8</b>	<b>12</b>	<b>10</b>	<b>6</b>	<b>1</b>	<b>49</b>	<b>25</b>	<b>11</b>	<b>3</b>	<b>9</b>	<b>1</b>
<b>2001.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2002.</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>9</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2003.</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2004.</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2006.</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2007.</b>	<b>11</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>7</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2008.</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>
<b>2009.</b>	<b>10</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>4</b>	<b>0</b>
<b>2010.</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>	<b>6</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>1</b>

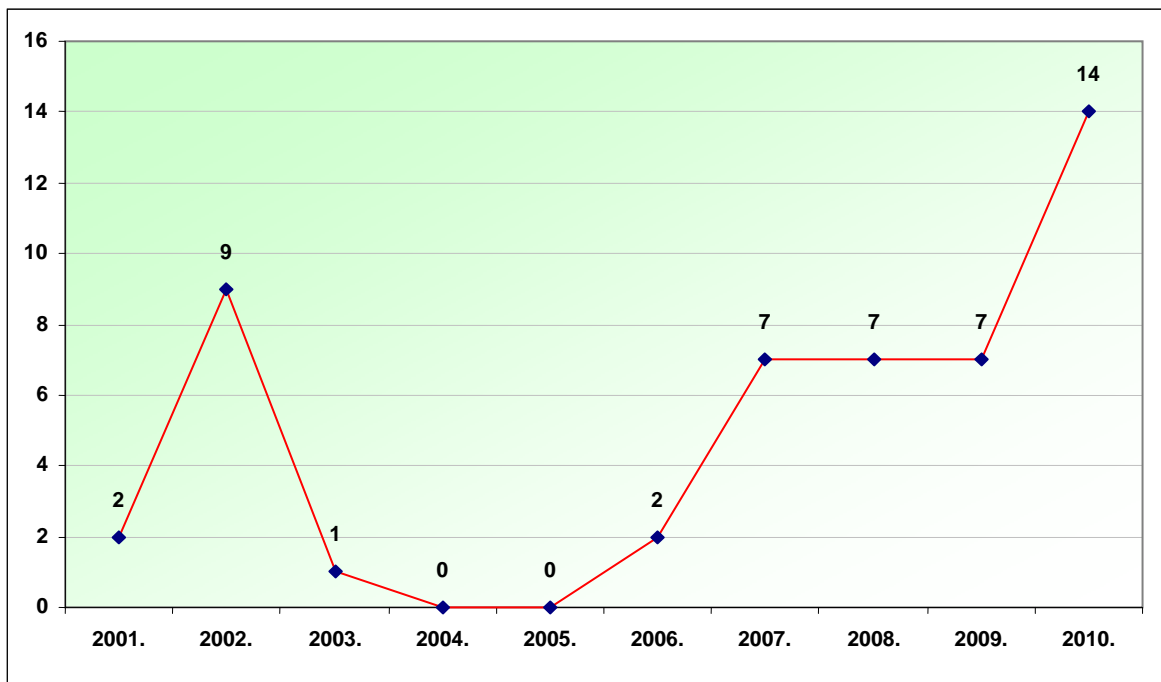
**Chart 7.1.12.**

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



**Chart 7.1.13.**

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



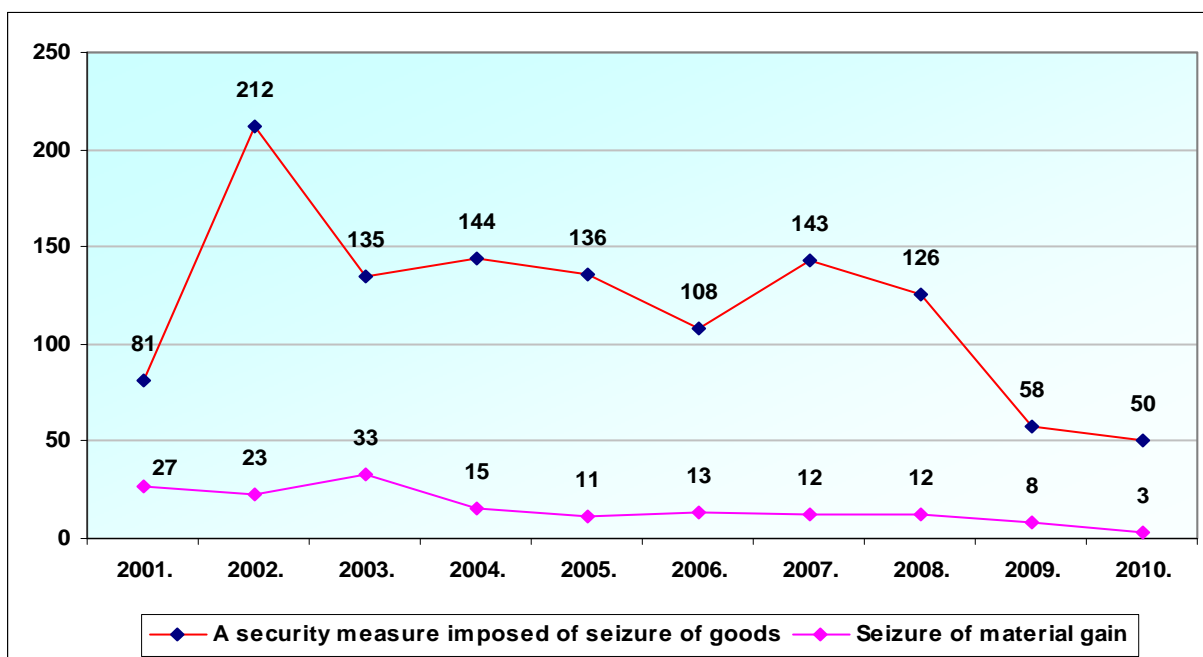
**Table 7.1.12.**

**The number of judicial procedures in which a security measure of the seizure of objects and a special measure of the seizure of material gain were imposed – persons convicted for the infringements of copyright (pirated copies) - Art. 230 CC**

	A security measure imposed of seizure of goods	Seizure of material gain
<b>TOTAL</b>	<b>1.193</b>	<b>157</b>
<b>2001.</b>	81	27
<b>2002.</b>	212	23
<b>2003.</b>	135	33
<b>2004.</b>	144	15
<b>2005.</b>	136	11
<b>2006.</b>	108	13
<b>2007.</b>	143	12
<b>2008.</b>	126	12
<b>2009.</b>	58	8
<b>2010.</b>	50	3

**Chart 7.1.14.**

**The number of judicial procedures in which imposed a security measure of seizure of goods and a special measure of material gain seizure for the Infringements of copyright provisions**



**Table 7.1.13.**

**The number of judicial proceedings imposing a security measure of seizing goods and a special measure of seizing material gain – persons convicted for the infringements of industrial property rights - Art. 285 CC**

	Security measures			Seizure of material gain
	TOTAL	Seizure of goods	Expulsion of aliens	
<b>TOTAL</b>	<b>477</b>	<b>469</b>	<b>8</b>	<b>40</b>
<b>2001.</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>7</b>
<b>2002.</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>1</b>
<b>2003.</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>4</b>
<b>2004.</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>27</b>	<b>27</b>	<b>0</b>	<b>1</b>
<b>2006.</b>	<b>70</b>	<b>70</b>	<b>0</b>	<b>3</b>
<b>2007.</b>	<b>76</b>	<b>75</b>	<b>1</b>	<b>1</b>
<b>2008.</b>	<b>201</b>	<b>201</b>	<b>0</b>	<b>21</b>
<b>2009.</b>	<b>39</b>	<b>32</b>	<b>7</b>	<b>2</b>
<b>2010.</b>	<b>49</b>	<b>49</b>	<b>0</b>	<b>0</b>

**Chart 7.1.15.**

**The number of judicial proceedings imposing a security measure of seizing goods and a special measure of seizing material gain for the infringements of industrial property rights**

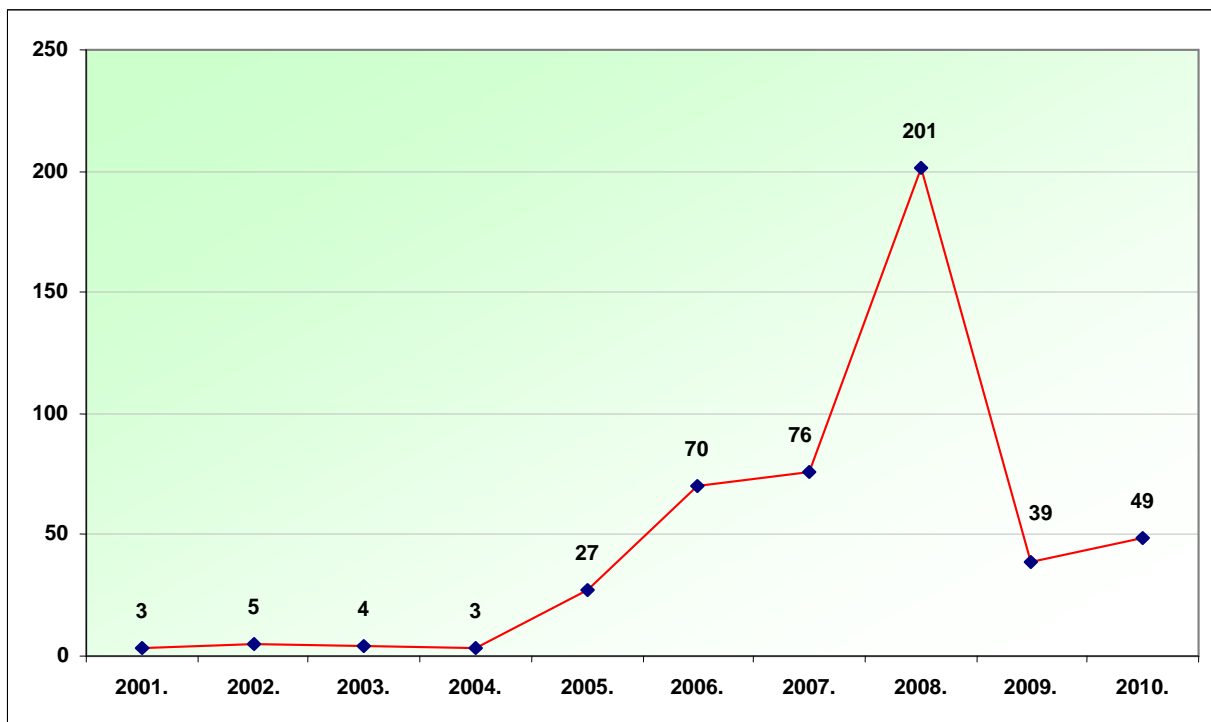


Table 7.1.14.

## Account of fines imposed on offenders for infringing copyright – pirated copies ( Article 230 CC)

		EUR 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
2001.	HRK		281.785	220.780	73.206	29.216	20.750
	EUR	<b>86.900</b>	39.000	31.000	10.000	4.000	2.900
2002.	HRK		746.585	220.780	20.916	43.824	0
	EUR	<b>142.900</b>	103.000	31.000	2.900	6.000	0
2003.	HRK		307.930	372.172	52.290	58.432	20.750
	EUR	<b>112.100</b>	43.000	51.000	7.200	8.000	2.900
2004.	HRK		180.110	258.628	31.374	29.216	0
	EUR	<b>68.800</b>	25.000	35.500	4.300	4.000	0
2005.	HRK		148.155	214.472	20.916	73.040	0
	EUR	<b>62.900</b>	20.000	30.000	2.900	10.000	0
2006.	HRK		136.535	233.396	31.374	102.256	20.750
	EUR	<b>72.200</b>	19.000	32.000	4.300	14.000	2.900
2007.	HRK		87.150	157.700	73.206	87.648	20.750
	EUR	<b>58.900</b>	12.000	22.000	10.000	12.000	2.900
2008.	HRK		87.150	195.548	10.458	29.216	20.750
	EUR	<b>47.002</b>	11.938	26.787	1.433	4.002	2.842
2009.	HRK		80.144	46.405	41.832	14.608	0
	EUR	<b>25.067</b>	10.979	6.357	5.730	2.001	0
2010.	HRK		79.004,40	89.741,50	76.312,16	0	0
	EUR	<b>33.754</b>	10.882	12.361	10.511	0	0

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



Chart 7.1.16.

Account of fines imposed on offenders for copyright infringement – pirated copies

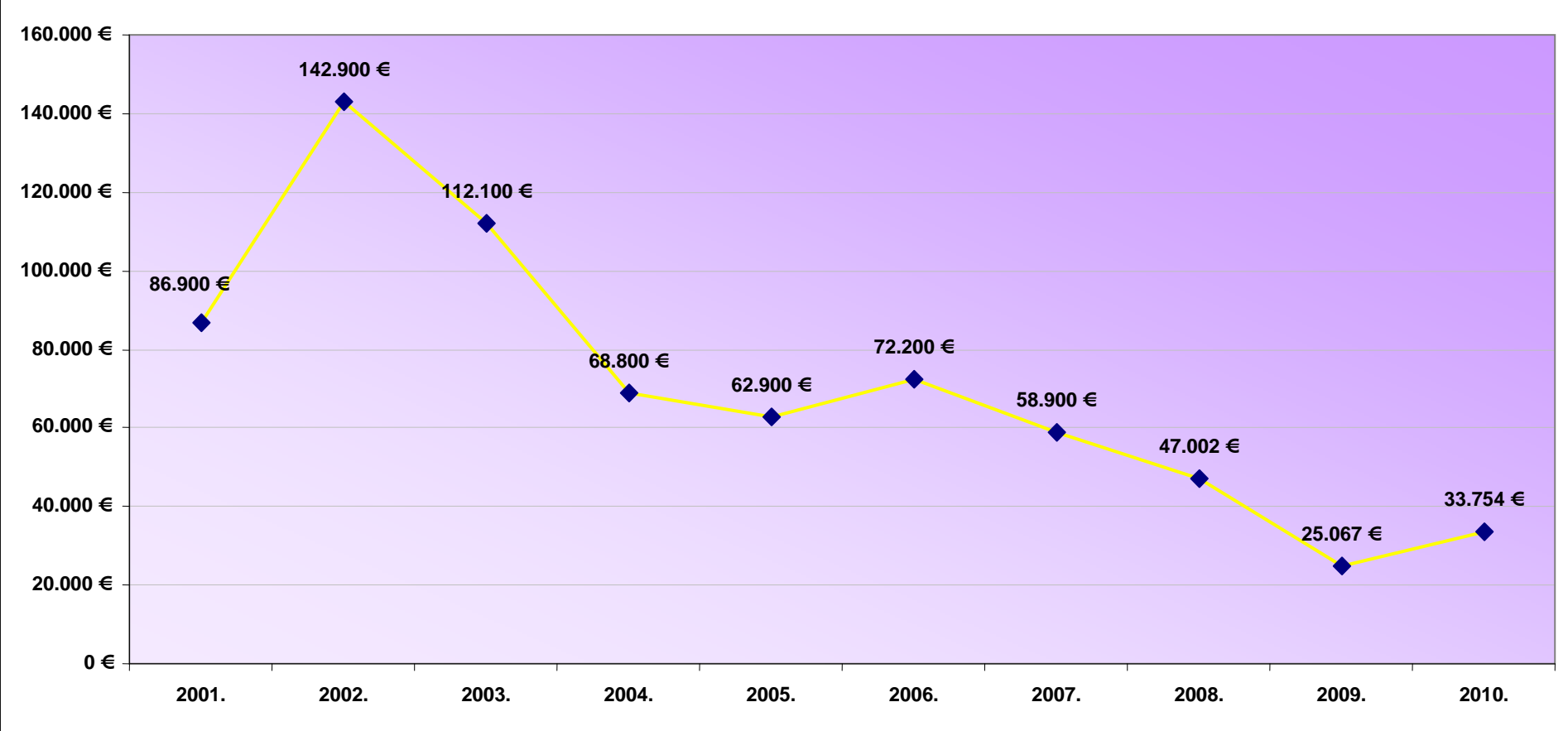


Table 7.1.15.

## Account of fines imposed on offenders for infringements of industrial property rights - Article 285 CC

		EUR 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
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	0	0
	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
2010.	HRK		62.417,66	78,293,50	27.028,00	35.100,00	20.000,00
	EUR	30.694	8.597	10.784	3.723	4.835	2.755

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

**Chart 7.1.17.**  
**Account of fines imposed on offenders for infringements of industrial property rights**

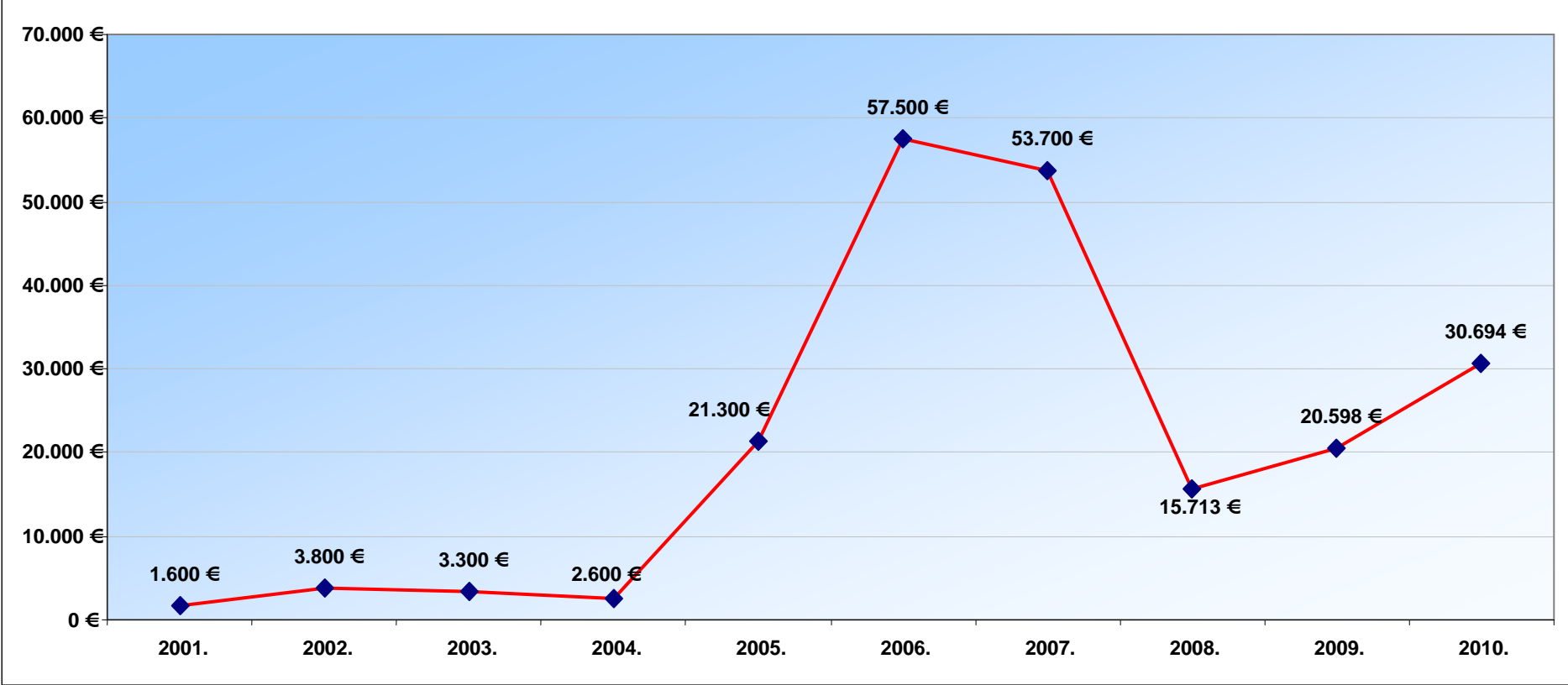


Table 7.1.16.

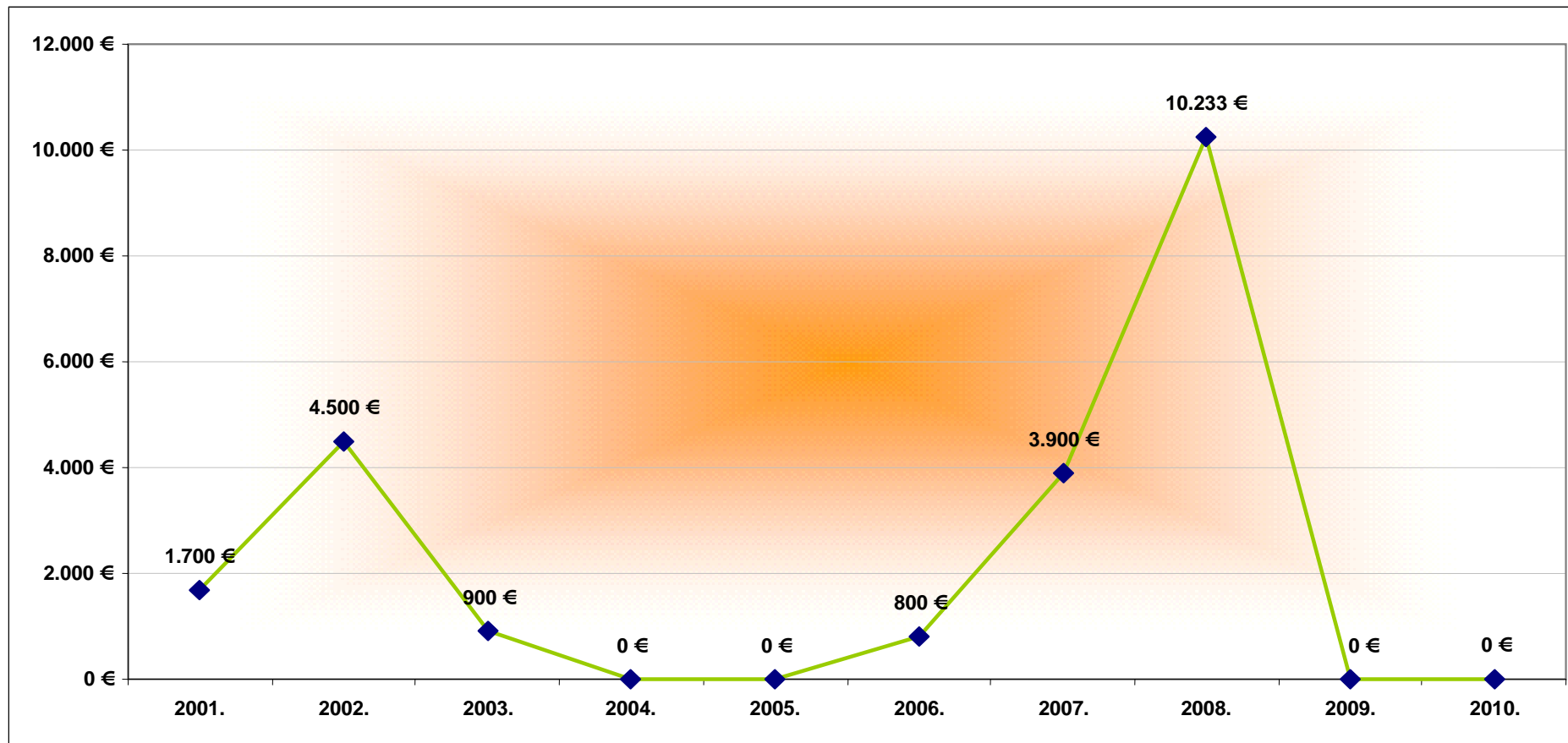
Account of fines imposed on offenders for infringements of the rights conferred by a protected invention and other infringements - Article 232 CC

		EUR 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
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
	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	3.900	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
2010.	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 7.1.18.

Account of fines imposed on offenders for infringements of the rights conferred by a protected invention and other infringements



## **7.2. Misdemeanour decisions and sanctions**

As regards the course of action of a misdemeanour trial, statistical data have been presented in detail on the aggregate number of persons found guilty for misdemeanours concerning the infringements of intellectual property rights, the number of discontinuations of misdemeanour proceedings and the number of protective measures imposed to misdemeanants.

The structure of sanctions imposed for committed misdemeanours has been presented, separately for natural persons and separately for legal and responsible persons.

Statistical data have also been presented concerning the fines imposed for infringing the provisions in the field of intellectual property rights.

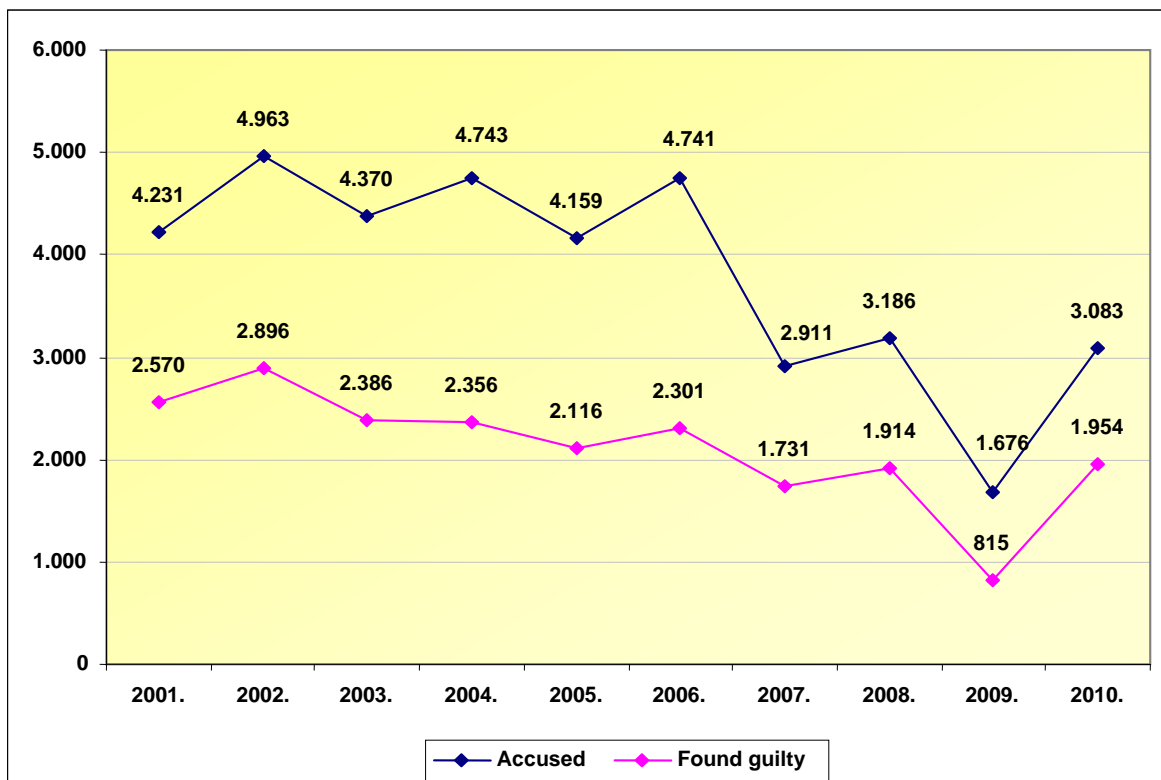
**Table 7.2.1.**  
**Data on the legal forms of court decisions issued against misdemeanants infringing intellectual property in 2010**

Infringement of provisions	Accused	Found guilty	Suspension of the misdemeanour trial		Protective measures
			Total	Limitation	
<b>TOTAL</b>	<b>5.976</b>	<b>3.843</b>	<b>1.562</b>	<b>299</b>	<b>272</b>
Infringement of the copyright provisions	5.209	3.354	1.491	286	69
Infringement of the trademark provisions	737	467	62	13	203
Infringement of the patent provisions	20	13	8	0	0
Infringement of the industrial design provisions	0	0	0	0	0
Infringement of the provisions on geographical indications	10	9	1	0	0

**Table 7.2.2.**  
**Misdemeanour trials against natural persons for infringing the copyright law provisions, from 2001 to 2010**

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
<b>TOTAL</b>	<b>38.063</b>	<b>21.039</b>	<b>8</b>	<b>19.137</b>	<b>1.894</b>
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
2010.	3.083	1.954	1	1.875	78

**Chart 7.2.1.**  
**Natural persons accused and found guilty for infringing the copyright law provisions from 2001 to 2010**

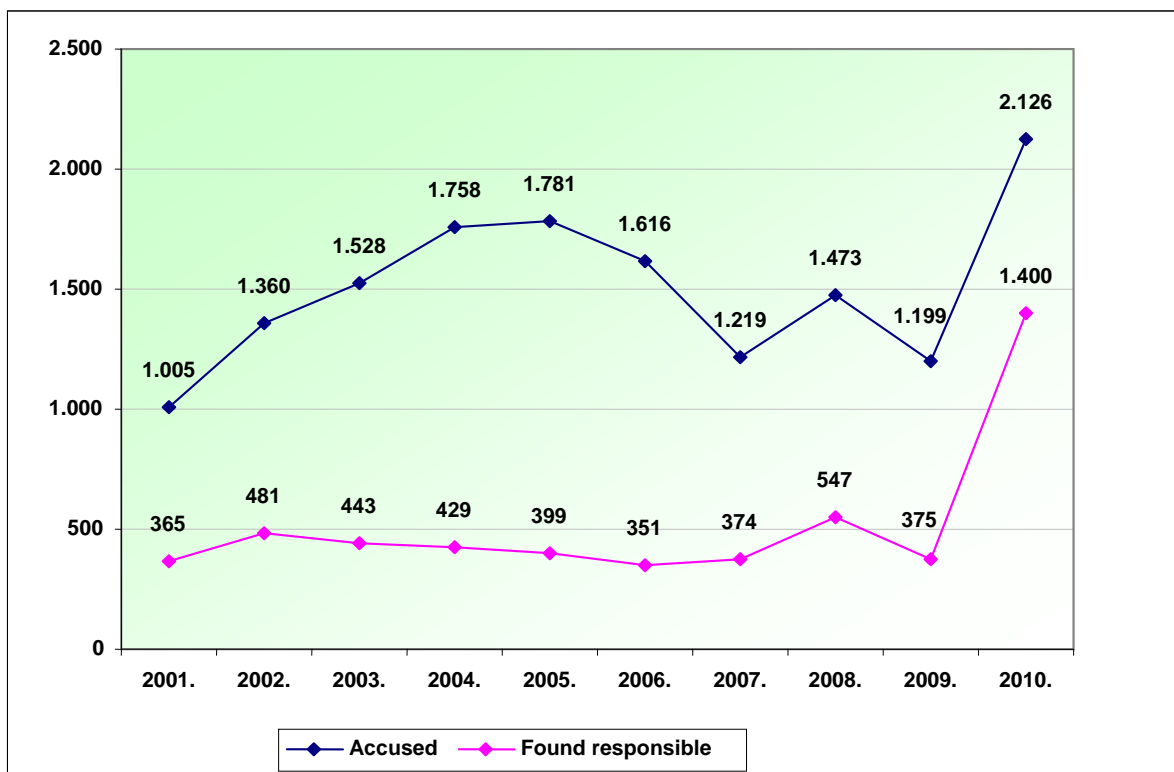




**Table 7.2.3.**  
**Misdemeanour trials against legal and responsible persons for infringing the copyright law provisions from 2001 to 2010**

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
<b>TOTAL</b>	<b>15.065</b>	<b>5.164</b>	<b>4.401</b>	<b>740</b>
<b>2001.</b>	1.005	365	300	65
<b>2002.</b>	1.360	481	418	63
<b>2003.</b>	1.528	443	333	110
<b>2004.</b>	1.758	429	307	122
<b>2005.</b>	1.781	399	296	103
<b>2006.</b>	1.616	351	265	86
<b>2007.</b>	1.219	374	325	49
<b>2008.</b>	1.473	547	440	107
<b>2009.</b>	1.199	375	362	13
<b>2010.</b>	2.126	1.400	1.355	22

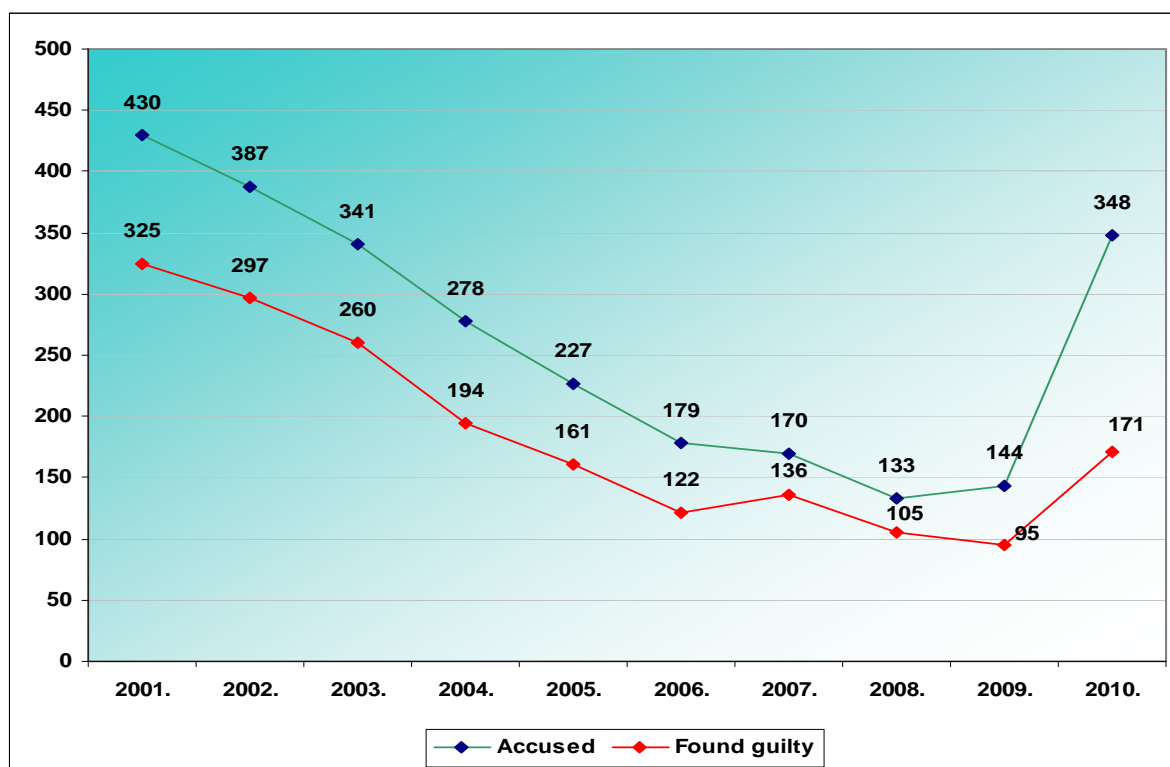
**Chart 7.2.2.**  
**Legal persons accused and found responsible for infringing the copyright law provisions from 2001 to 2010**



**Table 7.2.4.**  
**Misdemeanour trials concerning infringements of the provisions on trademark and other symbols from 2001 to 2010**

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
<b>TOTAL</b>	<b>2.637</b>	<b>1.866</b>	<b>0</b>	<b>1.555</b>	<b>311</b>
<b>2001.</b>	430	325	0	282	43
<b>2002.</b>	387	297	0	237	60
<b>2003.</b>	341	260	0	202	58
<b>2004.</b>	278	194	0	150	44
<b>2005.</b>	227	161	0	135	26
<b>2006.</b>	179	122	0	104	18
<b>2007.</b>	170	136	0	130	6
<b>2008.</b>	133	105	0	92	13
<b>2009.</b>	144	95	0	87	8
<b>2010.</b>	348	171	0	136	35

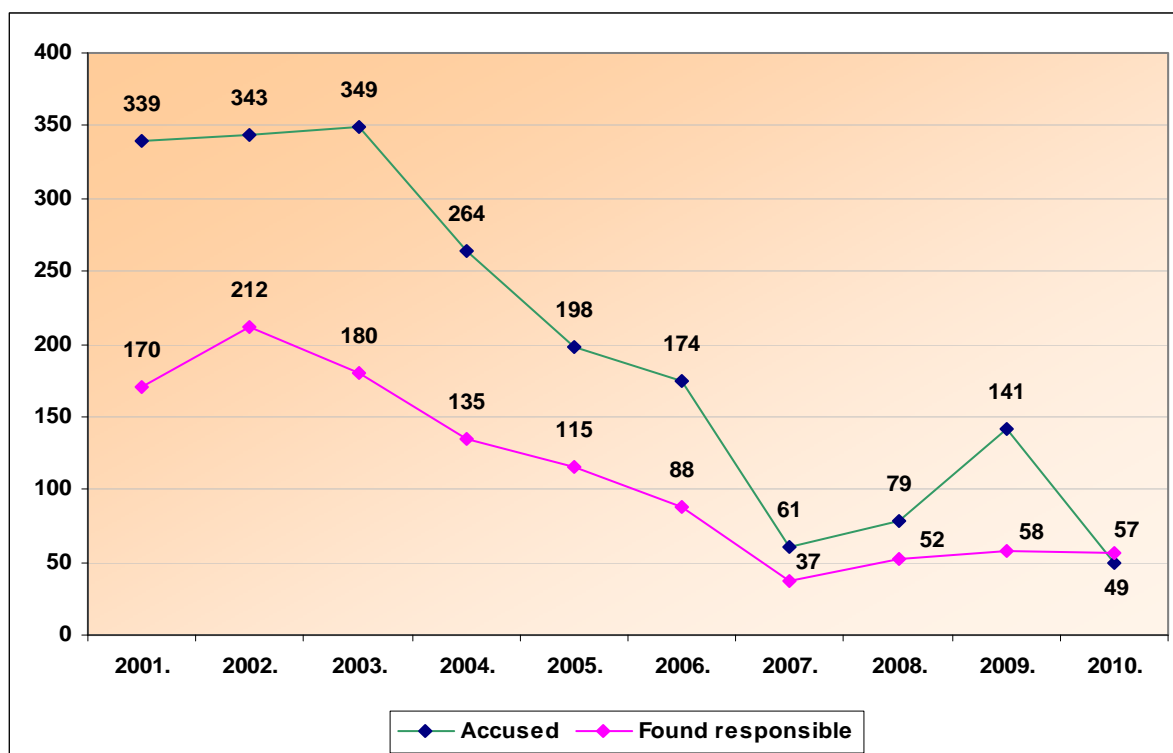
**Chart 7.2.3.**  
**Natural persons accused and found guilty for the infringements of the provisions on trademark and other symbols from 2001 to 2010**



**Table 7.2.5.**  
**Misdemeanour trials concerning infringements of the provisions on trademark and other symbols (legal and responsible persons) from 2001 to 2010**

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
<b>TOTAL</b>	<b>1.997</b>	<b>1.104</b>	<b>855</b>	<b>249</b>
<b>2001.</b>	339	170	144	26
<b>2002.</b>	343	212	172	40
<b>2003.</b>	349	180	128	52
<b>2004.</b>	264	135	99	36
<b>2005.</b>	198	115	79	36
<b>2006.</b>	174	88	53	35
<b>2007.</b>	61	37	31	6
<b>2008.</b>	79	52	39	13
<b>2009.</b>	141	58	56	2
<b>2010.</b>	49	57	54	3

**Chart 7.2.4.**  
**Legal persons accused and found responsible for infringements of the provisions on trademark and other symbols from 2001 to 2010**



**Table 7.2.6.**

**Misdemeanour trials concerning infringements of the provisions on patents and technical improvements (natural persons) from 2001 to 2010**

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
<b>TOTAL</b>	<b>40</b>	<b>31</b>	<b>0</b>	<b>26</b>	<b>5</b>
<b>2001.</b>	19	19	0	16	3
<b>2002.</b>	1	1	0	1	0
<b>2003.</b>	1	0	0	0	0
<b>2004.</b>	0	0	0	0	0
<b>2005.</b>	2	2	0	0	2
<b>2006.</b>	5	5	0	5	0
<b>2007.</b>	3	2	0	2	0
<b>2008.</b>	1	1	0	1	0
<b>2009.</b>	0	0	0	0	0
<b>2010.</b>	8	1	0	1	0

**Table 7.2.7.**

**Misdemeanour trials concerning infringements of the provisions on patents and technical improvements (legal and responsible persons) from 2001 to 2010**

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
<b>TOTAL</b>	<b>45</b>	<b>36</b>	<b>33</b>	<b>3</b>
<b>2001.</b>	28	20	18	2
<b>2002.</b>	2	1	1	0
<b>2003.</b>	0	0	0	0
<b>2004.</b>	0	0	0	0
<b>2005.</b>	1	1	0	1
<b>2006.</b>	0	0	0	0
<b>2007.</b>	0	0	0	0
<b>2008.</b>	2	2	2	0
<b>2009.</b>	0	0	0	0
<b>2010.</b>	12	12	12	0

**Table 7.2.8.**

**Fines in HRK imposed on natural persons - Infringements of the copyright provisions from 2001 to 2010**

	<b>TOTAL</b>	<b>Up to 500</b>	<b>501 to 1 000</b>	<b>1 001 to 5 000</b>	<b>5 001 to 10 000</b>	<b>10 001 to 20 000</b>
<b>TOTAL</b>	<b>19.137</b>	<b>4.075</b>	<b>8.304</b>	<b>6.482</b>	<b>242</b>	<b>34</b>
<b>2001.</b>	<b>2.296</b>	709	1.189	396	2	0
<b>2002.</b>	<b>2.599</b>	751	1.296	545	6	1
<b>2003.</b>	<b>2.030</b>	418	1.160	443	7	2
<b>2004.</b>	<b>2.086</b>	417	1.257	407	4	1
<b>2005.</b>	<b>1.886</b>	390	861	621	13	1
<b>2006.</b>	<b>2.129</b>	470	739	893	25	2
<b>2007.</b>	<b>1.657</b>	326	484	834	12	1
<b>2008.</b>	<b>1.783</b>	314	530	911	27	1
<b>2009.</b>	<b>796</b>	144	224	376	45	7
<b>2010.</b>	<b>1.875</b>	136	564	1056	101	18

**Table 7.2.9.****Fines in HRK imposed on legal and responsible persons - Infringements of the copyright provisions from 2001 to 2010**

	<b>TOTAL</b>	<b>300 to 500</b>	<b>501 to 1 000</b>	<b>1 001 to 5 000</b>	<b>5 001 to 10 000</b>	<b>10 001 to 20 000</b>	<b>More than 20 000</b>
<b>TOTAL</b>	<b>4.401</b>	<b>971</b>	<b>1.162</b>	<b>1.931</b>	<b>270</b>	<b>47</b>	<b>20</b>
<b>2001.</b>	<b>300</b>	175	55	60	6	4	0
<b>2002.</b>	<b>418</b>	231	81	91	14	1	0
<b>2003.</b>	<b>333</b>	37	132	139	20	3	2
<b>2004.</b>	<b>307</b>	97	108	85	16	1	0
<b>2005.</b>	<b>296</b>	67	127	94	8	0	0
<b>2006.</b>	<b>265</b>	12	58	163	24	7	1
<b>2007.</b>	<b>325</b>	86	118	116	2	2	1
<b>2008.</b>	<b>440</b>	102	123	211	4	0	0
<b>2009.</b>	<b>362</b>	25	88	179	61	7	2
<b>2010.</b>	<b>1.355</b>	139	272	793	115	22	14

**Table 7.2.10.**

**Fines in HRK imposed on natural persons - Infringements of the trademark provisions from 2001 to 2010**

	<b>TOTAL</b>	<b>Up to 500</b>	<b>501 to 1 000</b>	<b>1 001 to 5 000</b>	<b>5 001 to 10 000</b>	<b>10 001 to 20 000</b>
<b>TOTAL</b>	<b>1.720</b>	<b>334</b>	<b>540</b>	<b>808</b>	<b>33</b>	<b>5</b>
<b>2001.</b>	<b>282</b>	96	83	98	3	2
<b>2002.</b>	<b>237</b>	80	68	86	2	1
<b>2003.</b>	<b>202</b>	42	86	71	3	0
<b>2004.</b>	<b>150</b>	33	63	53	0	1
<b>2005.</b>	<b>135</b>	25	55	54	1	0
<b>2006.</b>	<b>104</b>	14	45	44	1	0
<b>2007.</b>	<b>130</b>	7	39	83	1	0
<b>2008.</b>	<b>105</b>	12	48	39	6	0
<b>2009.</b>	<b>87</b>	1	8	75	3	0
<b>2010.</b>	<b>288</b>	24	45	205	13	1

**Table 7.2.11.**

**Fines in HRK imposed on legal and responsible persons - Infringements of the trademark provisions from 2001 to 2010**

	<b>TOTAL</b>	<b>300 to 500</b>	<b>501 to 1 000</b>	<b>1 001 to 5 000</b>	<b>5 001 to 10 000</b>	<b>10 001 to 20 000</b>	<b>More than 20 000</b>
<b>TOTAL</b>	<b>948</b>	<b>238</b>	<b>313</b>	<b>290</b>	<b>71</b>	<b>15</b>	<b>21</b>
<b>2001.</b>	<b>144</b>	<b>55</b>	<b>53</b>	<b>35</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2002.</b>	<b>172</b>	<b>77</b>	<b>48</b>	<b>44</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>2003.</b>	<b>128</b>	<b>36</b>	<b>48</b>	<b>33</b>	<b>1</b>	<b>0</b>	<b>10</b>
<b>2004.</b>	<b>99</b>	<b>16</b>	<b>65</b>	<b>16</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>79</b>	<b>29</b>	<b>29</b>	<b>20</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2006.</b>	<b>53</b>	<b>8</b>	<b>24</b>	<b>19</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>2007.</b>	<b>31</b>	<b>5</b>	<b>17</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2008.</b>	<b>52</b>	<b>8</b>	<b>20</b>	<b>20</b>	<b>4</b>	<b>0</b>	<b>0</b>
<b>2009.</b>	<b>56</b>	<b>0</b>	<b>1</b>	<b>27</b>	<b>19</b>	<b>5</b>	<b>4</b>
<b>2010.</b>	<b>134</b>	<b>4</b>	<b>8</b>	<b>67</b>	<b>38</b>	<b>10</b>	<b>7</b>



**Table 7.2.12**

**Fines in HRK imposed on natural persons - Infringements of the patent provisions and technical improvements from 2001 to 2010**

	<b>TOTAL</b>	<b>Up to 500</b>	<b>501 to 1 000</b>	<b>1 001 to 5 000</b>	<b>5 001 to 10 000</b>	<b>10 001 to 20 000</b>
<b>TOTAL</b>	<b>26</b>	<b>7</b>	<b>14</b>	<b>4</b>	<b>1</b>	<b>0</b>
<b>2001.</b>	<b>16</b>	<b>3</b>	<b>11</b>	<b>2</b>	<b>0</b>	<b>0</b>
<b>2002.</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>2003.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2004.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2006.</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2007.</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>2008.</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2009.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2010.</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>

**Table 7.2.13.**

**Fines in HRK imposed on legal and responsible persons - Infringements of the provisions on patents and technical improvements from 2001 to 2010**

	<b>TOTAL</b>	<b>300 to 500</b>	<b>501 to 1 000</b>	<b>1 001 to 5 000</b>	<b>5 001 to 10 000</b>	<b>10 001 to 20 000</b>	<b>More than 20 000</b>
<b>TOTAL</b>	<b>33</b>	<b>14</b>	<b>7</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2001.</b>	<b>18</b>	<b>14</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2002.</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2003.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2004.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2005.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2006.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2007.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2008.</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2009.</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2010.</b>	<b>12</b>	<b>0</b>	<b>2</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Table 7.2.14.**  
**Juvenile delinquents - Infringement of the copyright provisions from 1998 to 2010**

<b>Criminal procedure</b>	<b>Misdemeanour trial</b>
<b>108</b>	<b>67</b>

## **8. ADMINISTRATIVE COURT AND COMMERCIAL COURTS – DATA ON THE NUMBER OF CASES AND THE FORMS OF LEGAL PROCEDURES**

Statistical data have been presented concerning the number of cases in litigations in the field of intellectual property rights at the Administrative Court of the Republic of Croatia, at the four competent Commercial Courts with a seat of the court in Zagreb, Split, Rijeka and Osijek, and at the High Commercial Court of the Republic of Croatia, as well as data on the forms of decisions.

**Table 8.1.**  
**Disputes before the Administrative Court (1.1.2010. - 31.12.2010.)**

TYPE OF DISPUTE	PENDING at initial period	RECEIVED	LEGAL FORMS OF DECISIONS					PENDING at the end of the period
			ACCEPTED	REFUSED	SUSPENSION	REJECTION	TOTAL	
TRADEMARKS	160	12	1	38	1	2	42	130
PATENTS	8	2	0	3	0	1	4	6
INDUSTRIAL DESIGNS	5	1	0	1	0	0	1	5

**Table 8.2.**  
**Disputes before commercial courts (1.1.2010. - 31.12.2010.)**

COMMERCIAL COURT	NUMBER OF CASES PENDING AT INITIAL 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	575	930	684	118	2	450	3	0	2	5	1	26	77	821
%			100	17,25	0,29	65,79	0,44	0,00	0,29	0,73	0,15	3,80	11,26	
Rijeka	237	307	277	34	0	209	0	0	0	2	2	0	30	267
%			100	12,27	0,00	75,45	0,00	0,00	0,00	0,72	0,72	0,00	10,83	
Split	142	323	231	29	0	177	0	0	0	0	1	0	24	234
%			100	12,55	0,00	76,62	0,00	0,00	0,00	0,00	0,43	0,00	10,39	
Osijek	13	196	160	134	6	0	0	0	0	0	0	0	20	49
%			100	83,75	3,75	0,00	0,00	0,00	0,00	0,00	0,00	0,00	12,50	

**Table 8.3.**  
**Disputes before commercial courts – consolidated (1.1.2010. - 31.12.2010.)**

	TYPE OF INFRINGEMENT	NUMBER OF CASES PENDING AT INITIAL 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	
					4	5	6	7	8	9	10	11	12	13	14	15			16	17
<b>COMMERCIAL COURTS TOTAL</b>	TRADEMARK	45	33	1	9	3	1	18	0	0	0	3	0	1	1	2	3	28	50	
	PATENT	9	4	1	2	0	0	2	0	0	0	0	0	0	0	3	1	6	7	
	INDUSTRIAL DESIGN	9	8	0	2	1	1	2	0	0	0	0	0	0	0	0	0	2	15	
	GEOGRAPHICAL INDICATION	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	
	COPYRIGHT	COLLECTIVE	783	1.638	0	1.057	105	14	264	8	0	1	826	2	3	3	131	18	1.256	1.165
		INDIVIDUAL	110	64	0	16	6	2	29	0	0	1	7	1	3	0	15	4	60	114
	OTHER	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
	<b>TOTAL</b>	<b>965</b>	<b>1.750</b>	<b>2</b>	<b>1.086</b>	<b>115</b>	<b>18</b>	<b>315</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>836</b>	<b>3</b>	<b>7</b>	<b>4</b>	<b>151</b>	<b>26</b>	<b>1.352</b>	<b>1.363</b>	

**Table 8.4.**  
**Disputes before the High Commercial Court (1.1.2010. - 31.12.2010.)**

THE HIGH COMMERCIAL COURT	NUMBER OF CASES PENDING AT INITIAL 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				
	385	200	205	128	26	15	24	5	0	7	380
			100	62,4	12,7	7,3	11,7	2,4	0,0	3,4	



## 9. DURATION OF THE PROCEDURE BEFORE COURTS

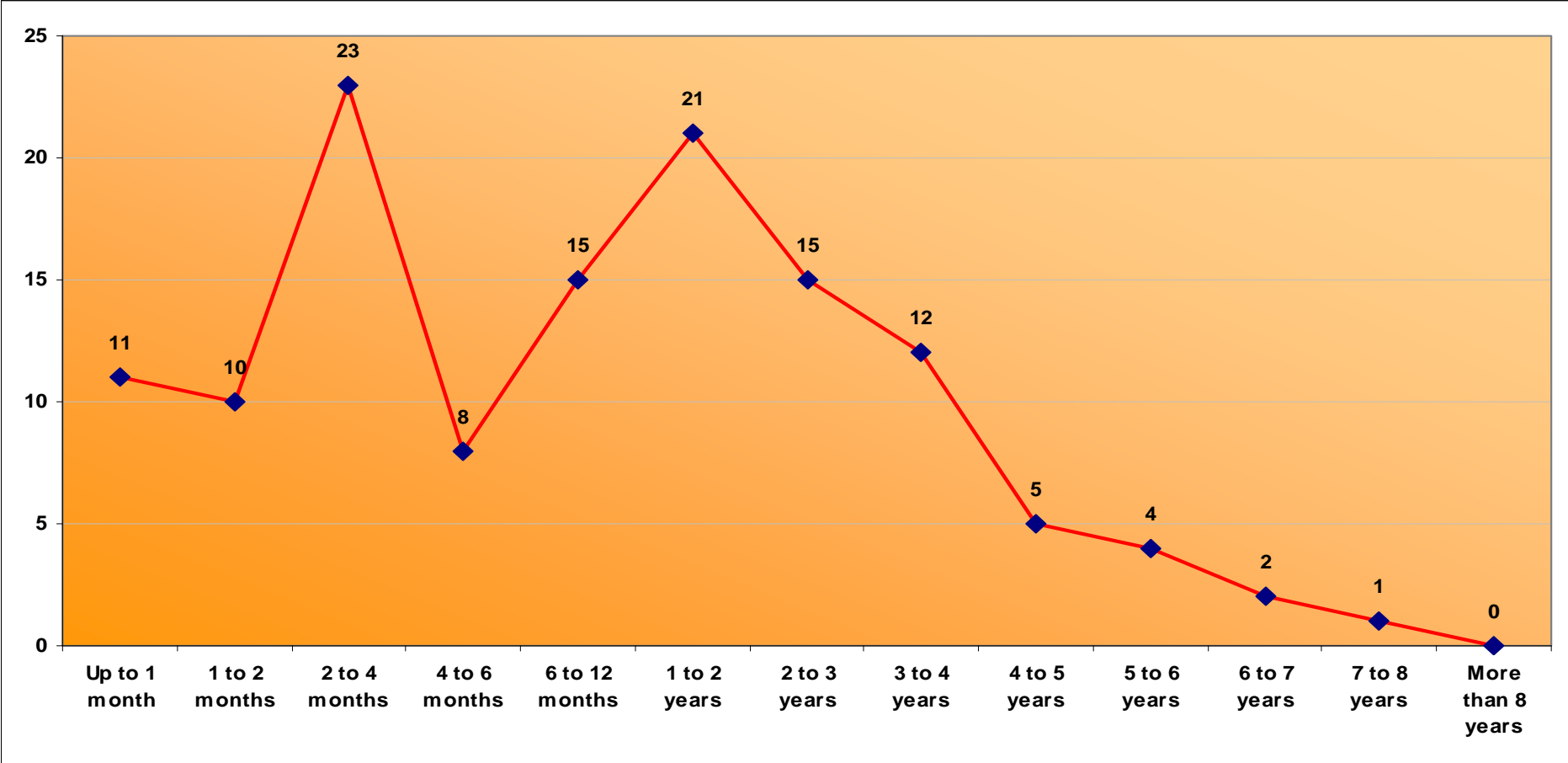
### 9.1. Duration of the procedure from filing of a criminal complaint

Table 9.1.1.

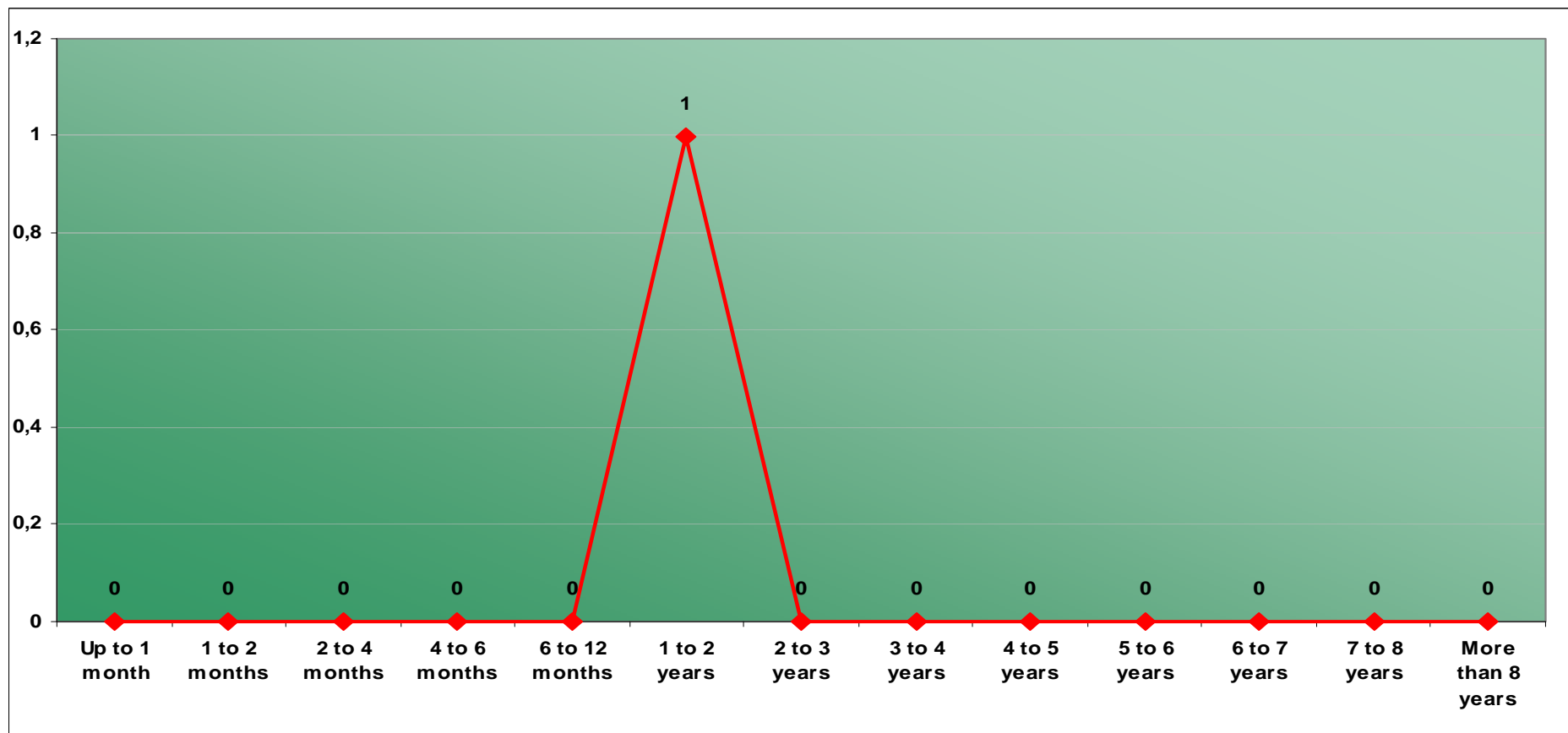
Duration of the procedure from filing of a criminal complaint to the final court decision in 2010

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 authors' or of the performers' rights, Art.229 CC	2	1	0	0	0	0	0	1	0	0	0	0	0	0
%	100	50,0	0,0	0,0	0,0	0,0	0,0	50,0	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	114	10	10	21	7	14	20	10	10	5	4	2	1	0
%	100	8,8	8,8	18,4	6,1	12,3	17,5	8,8	8,8	4,4	3,5	1,8	0,9	0,0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC	11	0	0	2	1	1	1	4	2	0	0	0	0	0
%	100	0,0	0,0	18,2	9,1	9,1	9,1	36,4	18,2	0,0	0,0	0,0	0,0	0,0
<b>COPYRIGHT TOTAL</b>	<b>127</b>	<b>11</b>	<b>10</b>	<b>23</b>	<b>8</b>	<b>15</b>	<b>21</b>	<b>15</b>	<b>12</b>	<b>5</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>0</b>
Infringement of the right conferred by an invention applied for or protected, Art.232 CC	1	0	0	0	0	0	1	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 unauthorized use of another person's property, Art.285 CC	74	25	8	18	5	1	4	9	4	0	0	0	0	0
%	100	33,8	10,8	24,3	6,8	1,4	5,4	12,2	5,4	0,0	0,0	0,0	0,0	0,0

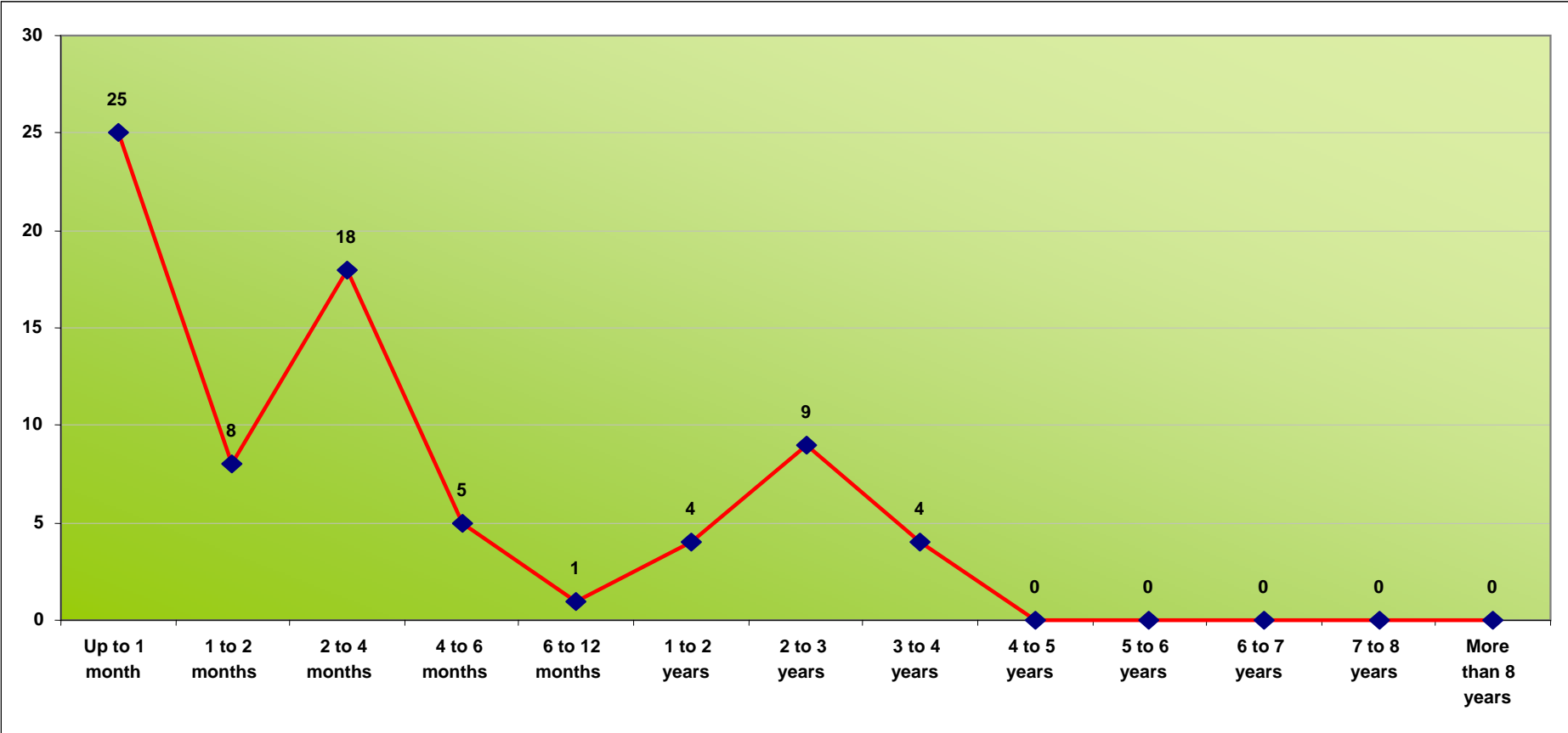
**Chart 9.1.1.**  
**Duration of the procedure from filing a criminal complaint to the final court decision in 2010 – copyright**



**Chart 9.1.2.**  
**Duration of the procedure from filing a criminal complaint to the final court decision in 2010**  
**- rights conferred by an invention applied for or protected**



**Chart 9.1.3.**  
**Duration of the procedure from filing a criminal complaint to the final court decision in 2010**  
**- industrial property rights**



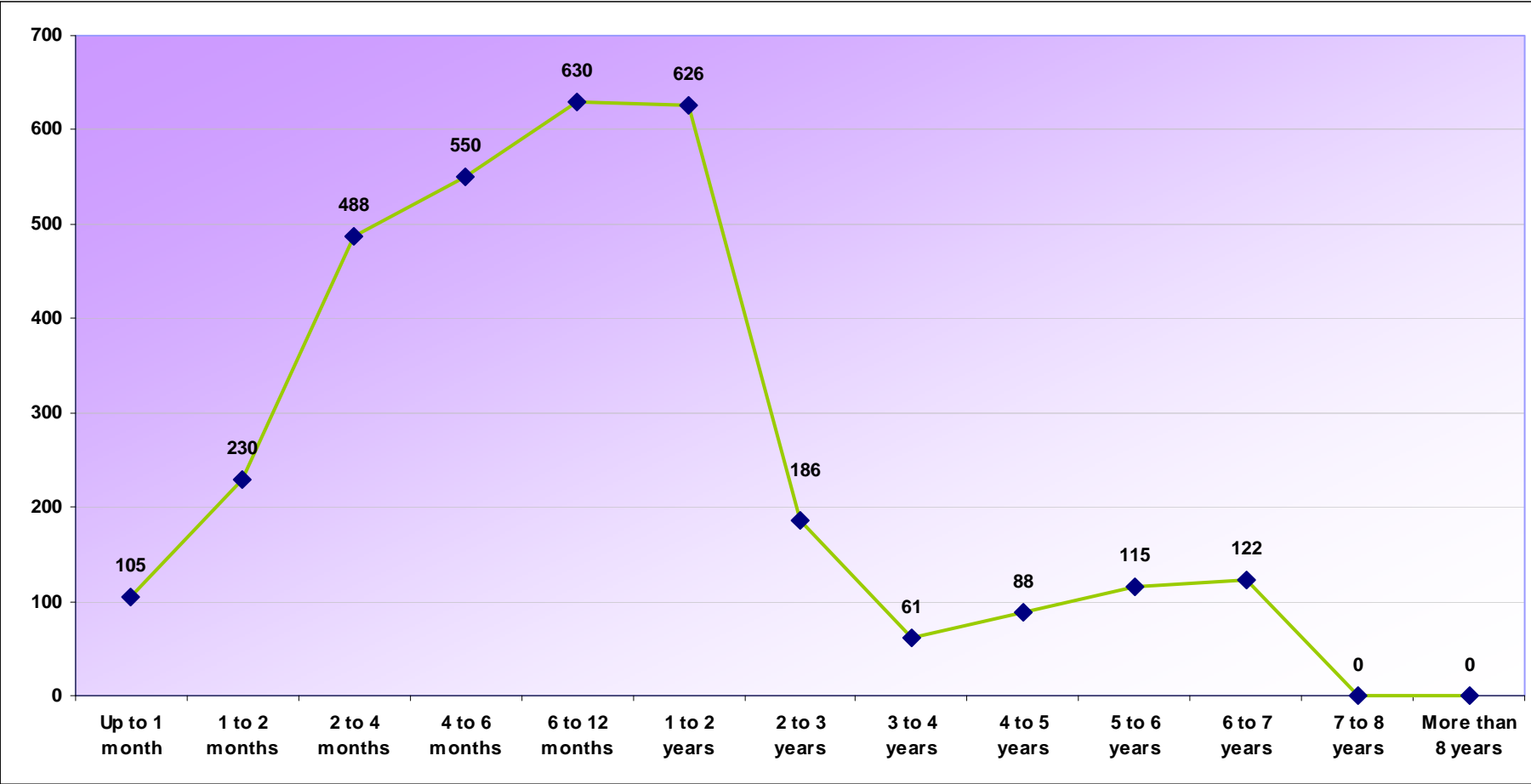
## 9.2. Duration of the procedure from filing of a misdemeanour report

**Table 9.2.1.**

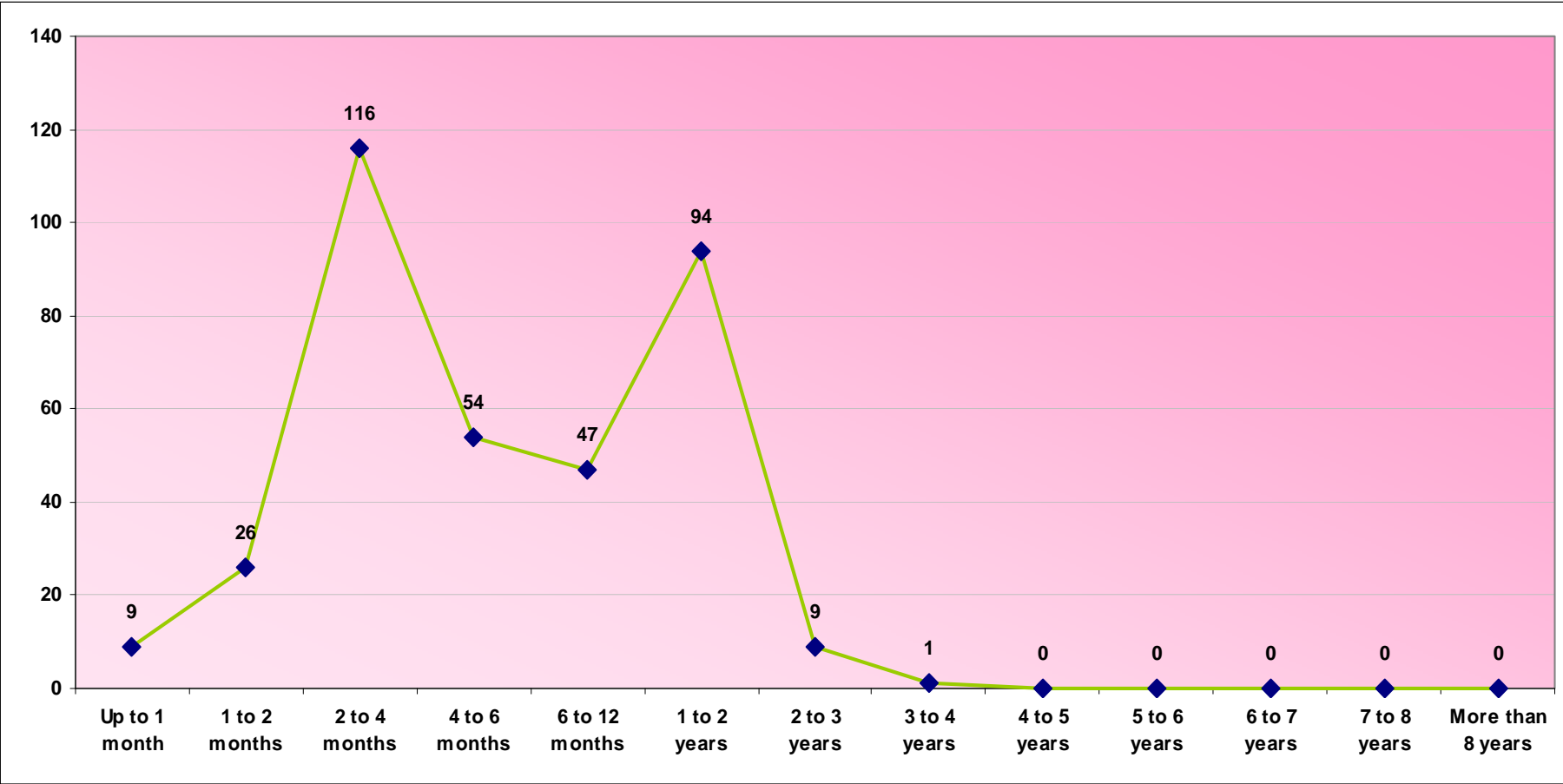
**Duration of the procedure from filing a misdemeanour report to the final court decision in 2010**

<b>CRIMINAL OFFENCES</b>	<b>TOTAL</b>	<b>Up to 1 month</b>	<b>1 to 2 months</b>	<b>2 to 4 months</b>	<b>4 to 6 months</b>	<b>6 to 12 months</b>	<b>1 to 2 years</b>	<b>2 to 3 years</b>	<b>3 to 4 years</b>	<b>4 to 5 years</b>	<b>5 to 6 years</b>	<b>6 to 7 years</b>	<b>7 to 8 years</b>	<b>More than 8 years</b>
Infringements of copyright provisions	<b>3.201</b>	<b>105</b>	<b>230</b>	<b>488</b>	<b>550</b>	<b>630</b>	<b>626</b>	<b>186</b>	<b>61</b>	<b>88</b>	<b>115</b>	<b>122</b>	<b>0</b>	<b>0</b>
<b>%</b>	<b>100</b>	<b>3,3</b>	<b>7,2</b>	<b>15,2</b>	<b>17,2</b>	<b>19,7</b>	<b>19,6</b>	<b>5,8</b>	<b>1,9</b>	<b>2,7</b>	<b>3,6</b>	<b>3,8</b>	<b>0,0</b>	<b>0,0</b>
Infringements of provisions on trademark and other symbols	<b>356</b>	<b>9</b>	<b>26</b>	<b>116</b>	<b>54</b>	<b>47</b>	<b>94</b>	<b>9</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>%</b>	<b>100</b>	<b>2,5</b>	<b>7,3</b>	<b>32,6</b>	<b>15,2</b>	<b>13,2</b>	<b>26,4</b>	<b>2,5</b>	<b>0,3</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>
Infringements of provisions on patents and technical improvements	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>%</b>	<b>100</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>100,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>	<b>0,0</b>

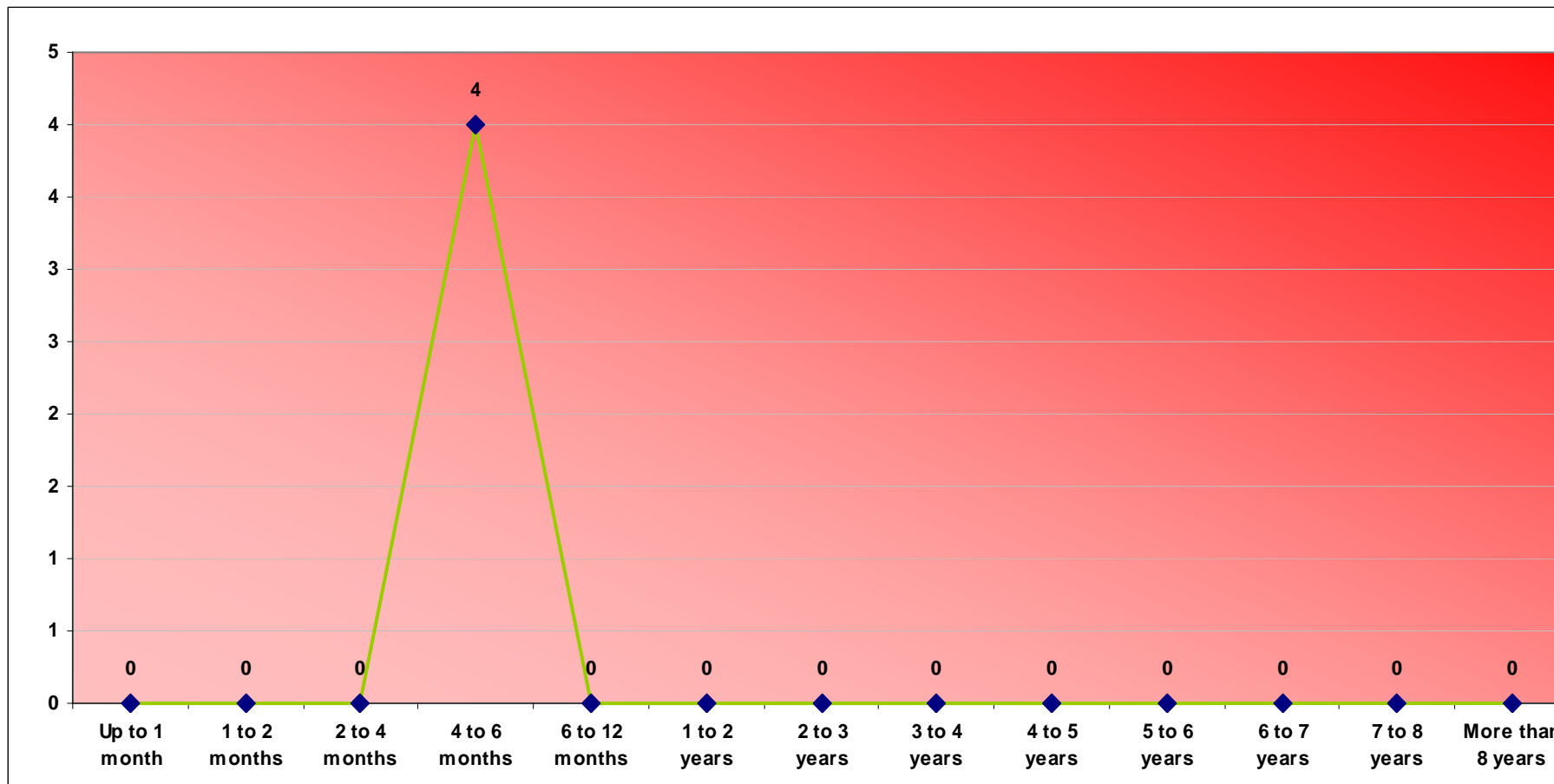
**Chart 9.2.1.**  
**Duration of the procedure from filing a misdemeanour report to the final court decision in 2010**  
**– Infringements of the provisions on copyright**



**Chart 9.2.2.**  
**Duration of the procedure from filing a misdemeanour report to the final court decision in 2010**  
**- Infringements of the provisions on trademark and other symbols**



**Chart 9.2.3.**  
**Duration of the procedure from filing a misdemeanour report to the final court decision in 2010**  
**- Infringements of the provisions on patents and technical improvements**



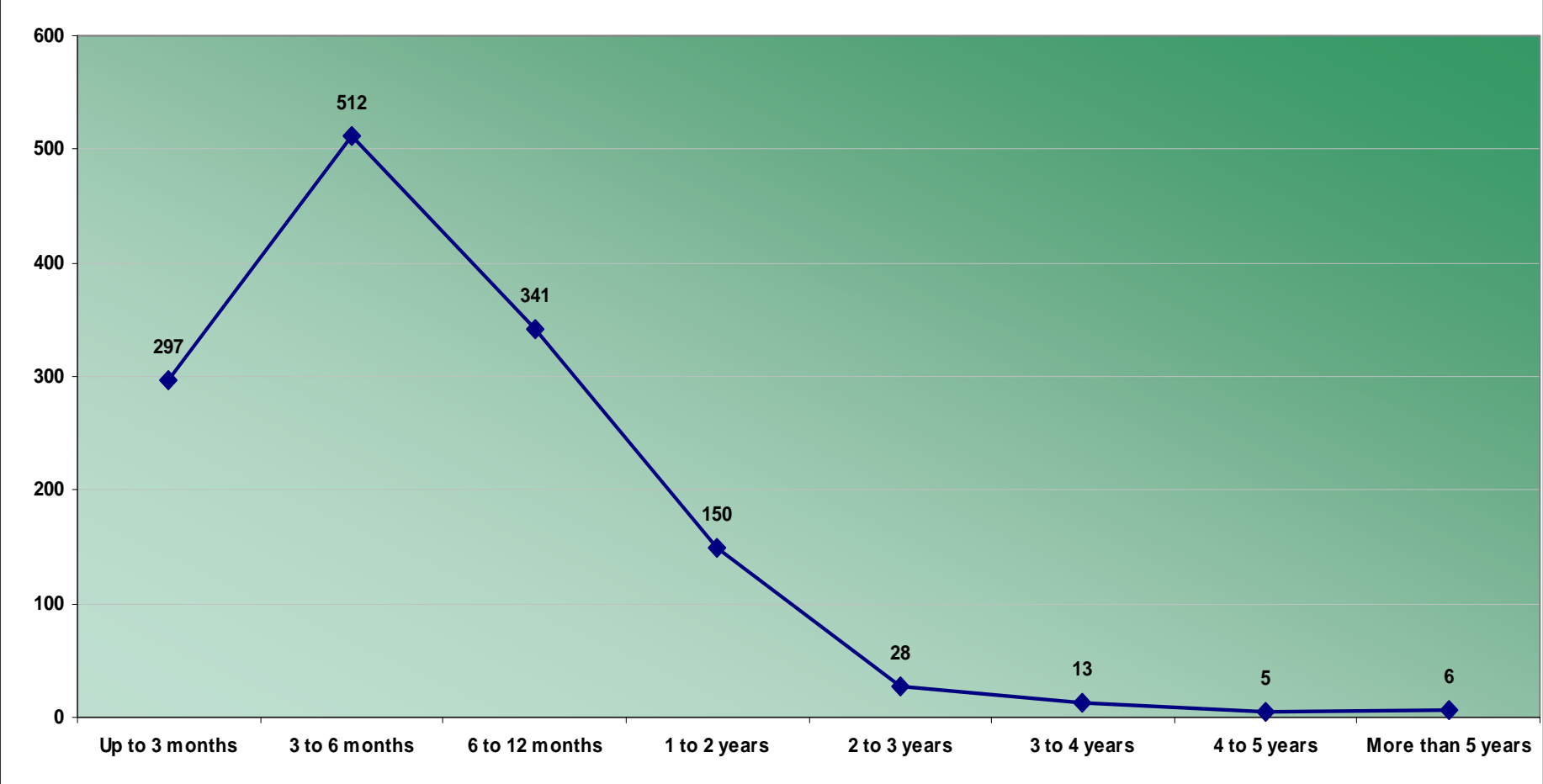


### 9.3. Duration of the procedure before commercial courts

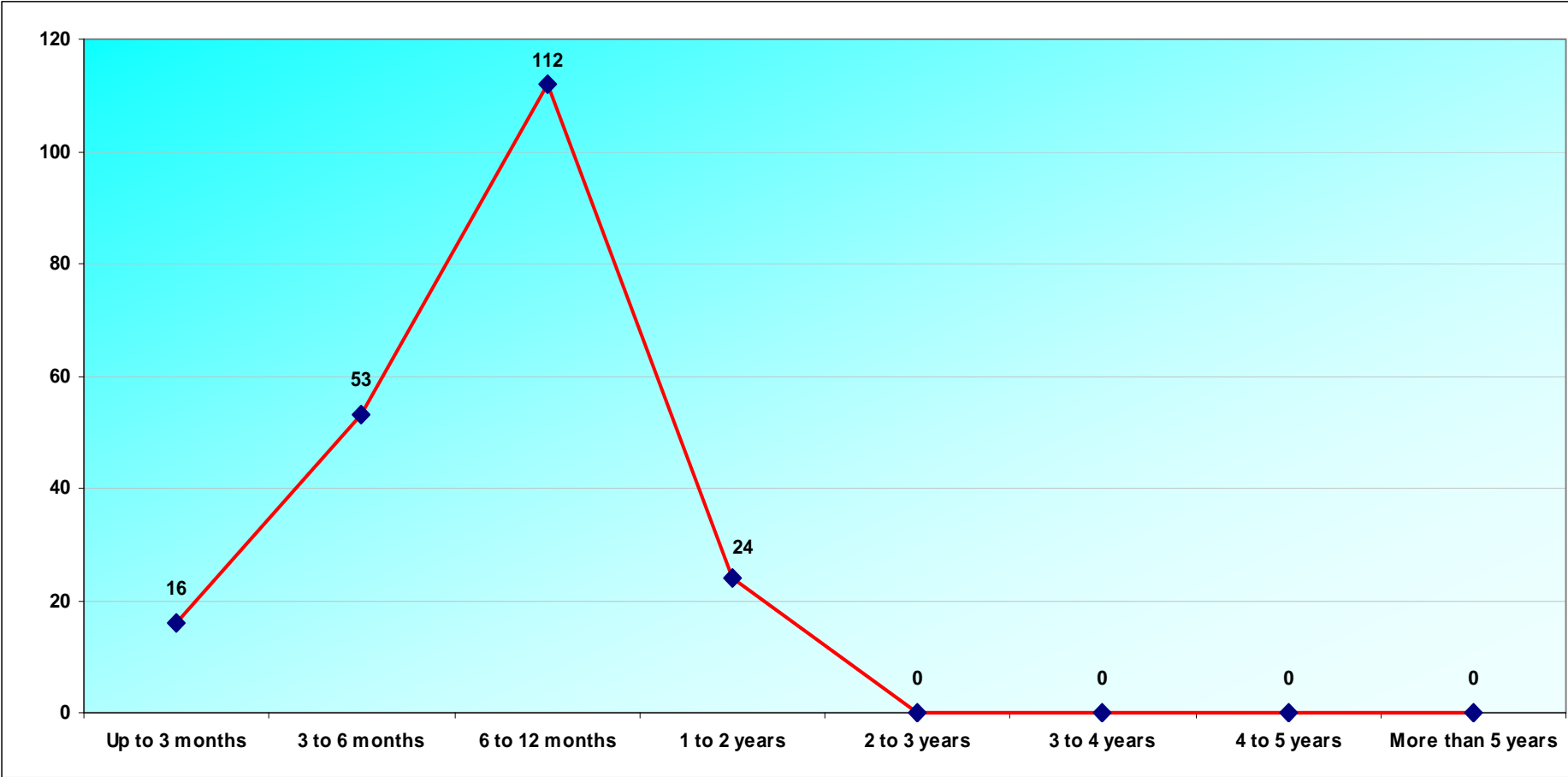
**Table 9.3.1.**  
Duration of the procedure before commercial courts in 2010

	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	1.352	297	512	341	150	28	13	5	6
%	100	22,0	37,9	25,2	11,1	2,1	1,0	0,4	0,4
HIGH COMMERCIAL COURT	205	16	53	112	24	0	0	0	0
%	100	7,8	25,9	54,6	11,7	0,0	0,0	0,0	0,0

**Chart 9.3.1.**  
**Duration of the procedure before commercial courts in 2010**



**Chart 9.3.2.**  
**Duration of the procedure before the High Commercial Court in 2010**



## 9.4. Duration of the procedure before Administrative Court

**Table 9.4.1.**  
Duration of the procedure before the Administrative Court in 2010

	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	47	0	0	1	1	45	0	0	0
%	100	0	0	2,1	2,1	95,7	0	0	0

**Chart 9.4.1.**  
Duration of the procedure before the Administrative Court in 2010

