

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

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

Report for 3Q/2010

Zagreb, December 2010

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1. INTRODUCTION

In order to provide an objective tool for regular monitoring of the efficiency of Croatia's system for the enforcement of intellectual property rights, in the course of year 2008 a methodology for collecting related statistical data was developed. As an integral part of the methodology a comprehensive statistical report¹ on related data was issued, covering available data up to the year 2007.

In compliance with the Croatia's commitment to monitor the enforcement of intellectual property rights on regular basis, another comprehensive annual statistical report for the year 2008 was issued in the course of the year 2009.

In addition to the comprehensive annual statistical reports, in the course of negotiations between the Republic of Croatia and the EU held in December 2008, it was decided that preliminary statistical reports containing approximate data will be issued on quarterly basis, too.

Furthermore, it has been noted that quarterly reports contain statistical data only, without in-depth analyse, which will be available in the annual report. Consequently, the data have been presented in respective tables only.

The report has been drafted by the State Intellectual Property Office of the Republic of Croatia, based on the data as provided by all stakeholders of the system for the enforcement of the intellectual property rights (Customs Administration, State Inspectorate, Ministry of the Interior, State Attorney's Office and Ministry of Justice).

¹ This report has been issued in three parts, i.e. the basic study issued in May 2008 (*Measurement of the Infringements of Intellectual Property Rights – Study for the Improvement of the Methodologies for Statistical Data Collection*) and two subsequent supplements (issued in July and October 2008 respectively) based on the comments provided by the European Commission (*Measurement of the Infringements of Intellectual Property Rights – Supplements to the Study for the Improvement of the Methodologies for Statistical Data Collection and Measurement of the Infringements of Intellectual Property Rights – Supplements II*)

2. PENAL LAW PROTECTION AND MISDEMEANOR LAW PROTECTION

Table 2.1.
Data on the penal law protection of intellectual property rights

Criminal Offences	Number of Criminal Cases							
	Total in 2009		First Quarter of 2010		Second Quarter of 2010		Third Quarter of 2010	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Infringements of the rights of authors or of the rights of performers, Article 229 CC	0	0	0	0	8	3	3	2
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	237	211	55	66	38	40	41	27
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	13	35	2	6	4	4	1	1
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	1	1	0	0	1	0	0	0
Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	48	67	34	33	14	22	22	20

Table 2.2.
Data on the misdemeanour law protection of intellectual property rights

Misdemeanours	Number of the Misdemeanour Cases							
	Total in 2009		First Quarter of 2010		Second Quarter of 2010		Third Quarter of 2010	
	Received	Closed	Received	Closed	Received	Closed	Received	Closed
Infringement of the copyright provisions	2.999	2.070	1.555	1.247	823	821	1.164	767
Infringement of the trademark provisions	163	65	151	46	425	432	237	92
Infringement of the patent provisions	0	0	0	0	10	6	0	0
Infringement of the industrial design provisions	0	1	0	0	0	0	0	0
Infringements of the provisions on geographical indications and designations of origin of products and services	0	0	0	0	5	0	4	1

3. CUSTOMS ADMINISTRATION – DATA ON THE NUMBER INITIATED PROCEDURES, NUMBER OF GOODS AND PRODUCTS

Table 3.1.
Statistical data on the type of procedures concerning the infringements of intellectual property rights - Customs Administration

	TOTAL	Number of Procedures	
		ex officio	at the request of the right holder
TOTAL			
2005	42	24	18
2006	48	6	42
2007	282	29	253
2008	225	24	201
2009	300	144	156
First quarter of 2010	76	40	36
Second quarter of 2010*	Not delivered		
Third quarter of 2010*	Not delivered		

***Data shall be presented in Annual Report 2010**

Table 3.2.
Statistical data on the procedures concerning the infringements of intellectual property rights – Customs Administration

	TOTAL	PROCEDURES		
		Goods destroyed	Goods released	Judicial proceedings
TOTAL				
2005	42	9	32	1
2006	48	21	21	6
2007	282	151	116	10
2008	225	141	76	8
2009	300*	146	149	2
First quarter of 2010	76**	27	11	5
Second quarter of 2010***	Not delivered			
Third quarter of 2010***	Not delivered			

* On 31.12.2009 three were pending cases.

** On 31.03.2010. 33 were pending cases.

*** Data shall be presented in Annual Report 2010

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

	VALUE EXPRESSED IN EUROS			
	Total value	Goods destroyed	Goods released	Judicial proceedings
2005	343.697,25	57.075,22	286.554,53	67,50
2006	423.641,90	248.550,60	160.625,10	14.466,20
2007	5.915.022,00	4.818.507,80	997.315,14	99.200,00
2008	488.773,28	43.122,42	410.975,97	34.674,89
2009*	15.365.986,39	13.922.629,03	360.957,36	1.082.400,00
First quarter of 2010	4.347.130,73	2.451.917,16	42.074,27	1.853.139,30
Second quarter of 2010**	Not delivered			
Third quarter of 2010**	Not delivered			

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

**Data shall be presented in Annual Report 2010

Table 3.4.

Data on the number of instituted proceedings and the number of doubtful products in proportions to the total number according to the type of products in the third quarter of 2010 – Customs Administration

Product type	Number of procedures	%	Number of products	%
1. Foodstuffs, alcoholic and other beverages				
a) foodstuffs				
b) alcoholic beverages				
c) other beverages				
2. Body care products	19	14,96	392	0,22
a) perfumes and cosmetics	19	14,96	392	0,22
b) other products				
3. Clothes and clothing accessories	45	35,43	13.908	7,90
a) clothes	19	14,96	1.057	0,60
b) clothing accessories	26	20,47	12.851	7,30
4. Footwear	10	7,88	42.930	24,39
a) sports footwear	5	3,94	18.500	10,51
b) other footwear	5	3,94	24.430	13,88
5. Personal accessories	29	22,83	3.620	2,06
a) sunglasses and prescription glasses	2	1,57	279	0,16
b) bags	23	18,11	1.226	0,70

c) watches	4	3,15	2.115	1,20
d) jewellery and other accessories				
6. Mobile phones, parts and implements				-
a) mobile phones				
b) parts and implements				
7. Electrical / electronic and computer equipment	4	3,15	2.997	1,70
a) audio/video devices including spare parts and implements				
b) memory cards and sticks	1	0,79	40	0,02
c) toners and inks	1	0,79	472	0,27
d) computer equipment (hardware) including parts and implements	2	1,57	2.485	1,41
e) other equipment including accessories and spare parts				
8. CDs, DVDs, cassettes and other data carriers				
a) recorded (music, film, programs, games)				
b) unrecorded				
9. Toys, games and sports equipment	8	6,30	6.172	3, 51

a) toys	8	6,30	6.172	3,51
b) games (including electronic game consoles)				
c) sports equipment (including leisure time equipment)				
10. Tobacco products				
a) cigarettes				
b) other tobacco products				
11. Medical products				
12. Other	12	9,45	105.968	60,22
a) machines and tools				
b) vehicles including parts and implements				
c) office supplies	8	6,30	103.752	58,96
d) lighters				
e) labels, stickers	1	0,79	1.440	0,82
f) textile products				
g) packaging material	1	0,79	276	0,16
h) other	2	1,57	500	0,28
TOTAL	127	100	175.987	100

Table 3.5.

Data on the number of procedures according to the types of products and result of the procedure in the third quarter of 2010 – Customs Administration

Product type	Goods destroyed	Judicial proceedings	Goods released
1. Foodstuffs, alcoholic and other beverages			
a) foodstuffs			
b) alcoholic beverages			
c) other beverages			
2. Body care products	17	1	0
a) perfumes and cosmetics	17	1	
b) other products			
3. Clothes and clothing accessories	20	18	0
a) clothes	9	7	
b) clothing accessories	11	11	
4. Footwear	7		2
a) sports footwear	4		1
b) other footwear	3		1
5. Personal accessories	10	13	0
a) sunglasses and prescription glasses	1	1	
b) bags	7	10	
c) watches	2	2	
d) jewellery and other accessories			
6. Mobile phones, parts and implements	0	0	0
a) mobile phones			
b) parts and implements			
7. Electric / electronic and computer equipment	2	0	1
a) audio/video devices including parts and implements			
b) memory cards and sticks	1		

c) toners and inks	1		
d) computer equipment (hardware) including parts and implements			1
e) other equipment including accessories and spare parts			
8. CDs, DVDs, cassettes and other data carriers	0	0	0
a) recorded (music, film, programs, games)			
b) unrecorded			
9. Toys, games and sports equipment	2	5	0
a) toys	2	5	
b) games (including electronic game consoles)			
c) sports equipment (including leisure time equipment)			
10. Tobacco products	0	0	0
a) cigarettes			
b) other tobacco products			
11. Medical products	0	0	0
12. Other	8	3	1
a) machines and tools			
b) vehicles, including parts and implements			
c) office supplies	6	1	1
d) lighters			
e) labels, stickers		1	
f) textile products			
g) packaging material	1	1	
h) other	1	1	
TOTAL	66	40	4

Table 3.6.

Data on the number of doubtful products according to the type of goods and the result of proceedings in the third quarter of 2010 – Customs Administration

Product type	Goods destroyed	Goods released	Judicial proceedings
1. Foodstuffs, alcoholic and other beverages	-	-	-
a) foodstuffs	-	-	-
b) alcoholic beverages	-	-	-
c) other beverages	-	-	-
2. Body care products	356	24	0
a) perfumes and cosmetics	356	24	-
b) other products	-	-	-
3. Clothes and clothing accessories	7.477	6.219	0
a) clothes	671	263	-
b) clothing accessories	6.806	5.956	-
4. Footwear	16.768	0	24.042
a) sports footwear	9.578		8.922
b) other footwear	7.190		15.120
5. Personal accessories	1.776	1.399	0
a) sunglasses and prescription glasses	276	3	-
b) bags	200	581	-
c) watches	1.300	815	-
d) jewellery and other accessories	-	-	-
6. Mobile phones, parts and implements	0	0	0
a) mobile phones	-	-	-
b) parts and implements	-	-	-
7. Electric / electronic and computer equipment	517	0	2.480
a) audio/video devices including parts and implements	-	-	-
b) memory cards and sticks	40	-	-

c) toners and inks	472	-	-
d) computer equipment (hardware) including parts and implements	5	-	2.480
e) other equipment including accessories and spare parts	-	-	-
8. CDs, DVDs, cassettes and other data carriers	-	-	-
a) recorded (music, film, programs, games)	-	-	-
b) unrecorded	-	-	-
9. Toys, games and sports equipment	660	1.156	0
a) toys	660	1.156	-
b) games (including electronic game consoles)	-	-	-
c) sports equipment (including leisure time equipment)	-	-	-
10. Tobacco products	0	0	0
a) cigarettes	-	-	-
b) other tobacco products	-	-	-
11. Medical products	0	0	0
12. Other	98.848	2.080	5.040
a) machines and tools	-	-	-
b) vehicles including parts and implements	-	-	-
c) office supplies	98.472	240	5.040
d) lighters	-	-	-
e) labels, stickers	-	1.440	-
f) textile products	-	-	-
g) packaging material	276	-	-
h) other	100	400	-
TOTAL	126.402	10.878	31.562

Table 3.7.

Data on the value of destroyed goods expressed in euros, a proportion to the aggregate value according to types of goods in the third quarter 2010 – Customs Administration

Product type	Value in €	%
1. Foodstuffs, alcoholic and other beverages	-	-
a) foodstuffs	-	-
b) alcoholic beverages	-	-
c) other beverages	-	-
2. Body care products	29.137,20	1,38
a) perfumes and cosmetics	29.137,20	1,38
b) other products	-	-
3. Clothes and clothing accessories	186.249,09	8,81
a) clothes	44.485,09	2,10
b) clothing accessories	141.764,00	6,71
4. Footwear	1.676.070,00	79,29
a) sports footwear	1.101.470,00	52,11
b) other footwear	574.600,00	27,18
5. Personal accessories	60.283,00	2,86
a) sunglasses and prescription glasses	27.600,00	1,31
b) bags	21.680,00	1,03
c) watches	11.003,00	0,52
d) jewellery and other accessories	-	-
6. Mobile phones, parts and implements	0,00	0,00
a) mobile phones	-	-
b) parts and implements	-	-
7. Electric / electronic and computer equipment	14.094,00	0,66
a) audio/video devices including parts and implements	-	-
b) memory cards and sticks	1.080,00	0,05
c) toners and inks	12.744,00	0,60
d) computer programs (hardware) including parts and implements	270,00	0,01

e) other equipment including accessories and spare parts	-	-
8. CDs, DVDs, cassettes and other data carriers	0,00	0,00
a) recorded (music, film, programs, games)	-	-
b) unrecorded	-	-
9. Toys, games and sports equipment	7.160,64	0,34
a) toys	7.160,64	0,34
b) games (including electronic game consoles)	-	-
c) sports equipment (including leisure time equipment)	-	-
10. Tobacco products	0,00	0,00
a) cigarettes	-	-
b) other tobacco products	-	-
11. Medical products	0,00	0,00
12. Other	140.880,00	6,66
a) machines and tools	-	-
b) vehicles, including parts and implements	-	-
c) office supplies	137.820,00	6,52
d) lighters	-	-
e) labels, stickers	-	-
f) textile products	-	-
g) packaging material	2.760,00	0,13
h) other	300,00	0,01
TOTAL	2.113.873,93	100,00

4. STATE INSPECTORATE – DATA ON THE NUMBER OF PERFORMED INSPECTIONS AND NUMBER OF INDICTMENTS AND MISDEMEANOUR PROCEDURES

Table 4.1.
Inspections relating to the protection of copyright in computer programs

Year	Number of inspections	Indictments and misdemeanour procedures instituted under the CRRRA		Number of computers as inspected	Number of computers in which a computer program has been installed without the author's authorization	Illegally installed computer programs as found	
		Number	%			Number of computer programs	Value in €
2005	154	44	28,57	337	74	162	67.500,00
2006	216	89	41,2	938	331	565	274.652,00
2007	716	155	21,64	2.120	416	653	317.430,00
2008	1.269	260	20,48	1.950	510	925	not available
2009	1.642	253	15,4	3.156	434	907	not available
First quarter of 2010	*not available	89	-	1.069	140	200	not available
Second quarter of 2010	not available	110	-	1.327	181	429	not available
Third quarter of 2010	not available	75	-	450	55	90	not available

CRRRA – Copyright and Related Rights Act

*Since 01.01.2010 the Croatian State Inspectorate has been monitoring the **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 4.2.

Inspections concerning the circulation of musical and cinematographic works recorded on audio and video carriers without the author's authorization (pirated copies)

Year	Number of indictments and/or misdemeanour procedures instituted under the CRRA	Audio and video carriers as temporarily seized	
		Number of pieces	Value in €
2005	23	2.469	10.954,44
2006	61	1.708	9.488,88
2007	228	3.565	15.020,83
2008	173	2.969	12.865,63
2009	163	1.960	7.573,90
First quarter of 2010	18	167	482,94
Second quarter of 2010	10	114	661,78
Third quarter of 2010	41	431	1.466,43

CRRA – Copyright and Related Rights Act

Table 4.3.

Inspections concerning the circulation and reproduction of books without the author's and publisher's authorization

Year	Number of inspections	Number of indictments and misdemeanour procedures under the CRRA	Provisionally seized goods - books	
			Number of pieces	Value in €
2006	35	7	10	132
2007	77	3	1	10
2008	67	2	2	15
2009	94	6	59	403,43
First quarter of 2010	*not available	2	4	15,75
Second quarter of 2010	*not available	0	0	0
Third quarter of 2010	*not available	0	0	0

CRRA – Copyright and Related Rights Act

*Since 01.01.2010 the Croatian State Inspectorate has been monitoring the **total number of completed supervisions** concerning copyright protection.

Table 4.4.
Inspection concerning the circulation of products designated by a protected sign – a trademark, without the trademark holder’s authorization (counterfeits)

Year	Number of inspections	Number of indictments and misdemeanour procedures under the TA		Provisionally seized goods	
		Number	%	Number of pieces	Value in €
2005	4.276	102	2,38	-	85.340,69
2006	2.486	329	13,23	47.643	248.348,61
2007	2.020	277	13,71	18.001	205.977,50
2008	2.878	325	11,29	42.704	158.323,80
2009	2.271	224	9,86	30.032	251.327,24
First quarter of 2010	828	37	4,47	556	5.369,88
Second quarter of 2010	600	123	20,50	1.100	10.944,26
Third quarter of 2010	812	236	29,06	7.271	35.833,42

TA –Trademark Act

Table 4.5.
Inspections concerning the circulation of products relating to the protection of industrial designs

Year	Number of inspections	Number of indictments and misdemeanor procedures under the IDA	Provisionally seized goods	
			Number of pieces	Value in €
2005	4	0	0	0
2006	540	18	364	2.527,77
2007	3	0	0	0
2008	7	4	282	1.905,40
2009	32	3	16	71,87
First quarter of 2010	19	0	0	0,00
Second quarter of 2010	7	0	0	0,00
Third quarter of 2010	10	2	2	120,54

IDA – Industrial Design Act

Table 4.6.
Inspection concerning the circulation of products made according to a protected invention

Year	Number of inspections	Indictments brought under the PA	Provisionally seized goods	
			Number of pieces	Value in €
2006	0	0	0	0,00
2007	1	0	0	0,00
2008	1	0	0	0,00
2009	1	0	0	0,00
First quarter of 2010	1	0	0	0,00
Second quarter of 2010	0	0	0	0,00
Third quarter of 2010	0	0	0	0,00

PA – Patent Act

Table 4.7.
Inspections relating to the circulation of products in connection with the protection of geographical indications and designations of origin

Year	Number of inspections	Misdemeanors identified in accordance with FA/ADOGIDTRAFP (from 2009)	Provisionally seized goods	
			Number of pieces	Value in €
2006	232	15	0	0
2007	0	0	0	0
2008	621	14	-	1.380,26
2009	42	0	0	0,00
First quarter of 2010	0	0	0	0,00
Second quarter of 2010	0	0	0	0,00
Third quarter of 2010	5	0	0	0,00

FA – Act of food

ADOGIDTRAFP – Act of Designations of Origin, Geographical Indication and Food Products

Table 4.8.

The number and types of temporarily seized goods, under the Trademark Law – State Inspectorate

TYPE OF SEIZED GOODS	Quantity							
	2009		First quarter of 2010		Second quarter of 2010		Third quarter of 2010	
	Pieces	%	Pieces	%	Pieces	%	Pieces	%
CLOTHES	14.640	48,75						
Sportswear	9.413	31,34	194	34,89	31	2,82	246	3,38
Other	480	1,60			252	22,91	320	4,40
Accessories (caps, scarves)	4.747	15,81			82	7,45	1.627	22,38
FOOTWEAR	476	1,58						
Sports footwear	304	1,01						
Other	172	0,57	2	0,36	41	3,73	153	2,10
LEATHER FANCY GOODS	974	3,24	26	4,67	241	21,91	608	8,36
WATCHES	3.547	11,81	29	5,22	53	4,82	3.182	43,76
GLASSES	7.313	24,35	64	11,52	155	14,09	609	8,38
PERFUMES	2	0,01	6	1,08			10	0,14
SOUVENIRS	0	0,00						
OTHER (earrings, necklaces, party games, car screens, car flags, mascaras, ice-cream, flags, bracelets, toners)	3.080	10,26	235	42,26	245	22,27	516	7,10
TOTAL	30.032	100	556	100	1.100	100	7.271	100

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

Table 5.1.

Statistical data on the infringements of intellectual property rights – Ministry of the Interior

Criminal offences	2009	Number of criminal offences reported against known perpetrators		
		First quarter of 2010	Second quarter of 2010	Third quarter of 2010
Infringements of the authors' rights or of the performers' rights, Article 229 CC	2	-	-	-
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	112	32	26	26
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	12	8	5	13
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	-	-	-	1
Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	100	18	8	17

6. STATE ATTORNEY'S OFFICE – STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY RIGHTS

Table 6.1.

Reported adult persons by the type of decision on a criminal offence: Infringement of the Rights of Authors or of the Rights of Performers, Art. 229 CC

	Reported total	Known perpetrators				Unknown perpetrators
		Total	Report rejected	Investigation	Motion to indict filed	
TOTAL						
2005	3	3	3	-	-	-
2006	6	6	3	-	3	-
2007	8	8	4	-	4	-
2008	2	2	-	-	2	-
2009	2	1	-	-	-	1
First quarter of 2010	-	-	-	-	-	-
Second quarter of 2010	9	9	-	-	-	-
Third quarter of 2010	-	-	-	-	-	-

Table 6.2.
Reported adult persons by the type of decision on a criminal offence: Unauthorized
Use of an Author's Work or of a Performer's Performance, Art. 230 CC

	Reported total	Known perpetrators				Unknown perpetrators
		Total	Report rejected	Investigation	Motion to indict filed	
TOTAL						
2005	324	317	45	-	272	7
2006	354	327	55	-	272	27
2007	266	249	52	-	197	17
2008	264	264	54	-	225	-
2009	132	132	17	-	95	-
First quarter of 2010	36	36	1	-	7	-
Second quarter of 2010	48	48	5	-	13	-
Third quarter of 2010	32	32	3	-	10	-

Table 6.3.
Reported adult persons by the type of decision on a criminal offence: Infringement of the Rights of Producers of Phonograms or Videograms or the Rights Related to Radio Broadcastings, Art. 231 CC

	Reported total	Known perpetrators				Unknown perpetrators
		Total	Report rejected	Investigation	Motion to indict filed	
TOTAL						
2005	3	3	-	-	3	-
2006	18	18	3	-	15	-
2007	12	12	1	-	11	-
2008	14	14	1	-	13	-
2009	1	1	-	-	1	-
First quarter of 2010	6	6	1	-	2	-
Second quarter of 2010	-	-	-	-	-	-
Third quarter of 2010	-	-	-	-	-	-

Table 6.4.
Reported adult persons by the type of decision on a criminal offence: Infringement of the Right Conferred by an Invention Applied for or Protected, Art. 232 CC

	Reported total	Known perpetrators				Unknown perpetrators
		Total	Report rejected	Investigation	Motion to indict filed	
TOTAL						
2005	1	1	1	-	-	-
2006	5	5	5	-	-	-
2007	4	4	-	-	4	-
2008	-	-	-	-	-	-
2009	-	-	-	-	-	-
First quarter of 2010	-	-	-	-	-	-
Second quarter 2010	-	-	-	-	-	-
Third quarter of 2010	-	-	-	-	-	-

Table 6.5.
Reported adult persons by the type of decision on a criminal offence: Infringement of the Industrial Property Rights and Unauthorized Use of Another Person's Firm, Art. 285 CC

	Reported total	Known perpetrators				Unknown perpetrators
		Total	Report rejected	Investigation	Motion to indict filed	
TOTAL						
2005	71	69	7	-	62	2
2006	133	131	16	-	115	2
2007	122	117	16	-	101	5
2008	135	135	28	-	102	-
2009	31	26	4	-	22	5
First quarter of 2010	-	-	-	-	-	-
Second quarter of 2010	4	4	-	-	1	-
Third quarter of 2010	2	2	-	-	2	-

7. CRIMINAL COURTS

7.1.PENAL LAW SANCTIONS

Table 7.1.1.

Data on the types of judicial decisions concerning perpetrators of criminal offences, infringements of intellectual property rights for the third quarter of 2010

	Persons accused Total	Persons found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
Total	42	30	5	5	2	0
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	22	15	4	2	1	0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	3	1	0	1	1	0
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	0	0	0	0	0	0
Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	16	14	0	2	0	0

Table 7.1.2.

Convicted persons by 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
2009	7	1	4	2	0	0	116	18	38	39	14	4	3
First quarter of 2010	0	0	0	0	0	0	28	7	11	7	2	1	0
Second quarter of 2010	2	1	0	0	0	1	19	2	6	6	4	1	0
Third quarter of 2010	1	0	1	0	0	0	6	0	1	4	0	0	1
TOTAL													

Table 7.1.3.

Convicted persons by sanctions imposed in accordance with Art. 230 CC (copyright – pirated goods)
Fines and other sanctions as imposed (continuation)

	Unconditional fine					Conditional fine					Other sanctions		
	(expressed in daily incomes)					(expressed in daily incomes)							
	Total	10 to 25	51 to 50	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
2009	35	29	5	1	0	7	3	3	0	1	1	0	0
First quarter of 2010	11	10	1	0	0	2	2	0	0	0	0	0	0
Second quarter of 2010	11	10	0	1	0	1	1	0	0	0	0	0	0
Third quarter of 2010	7	6	1	0	0	1	0	1	0	0	0	0	0
TOTAL													

Table 7.1.4.

**Convicted persons by sanctions imposed in accordance with Art. 285 CC (industrial property right)
Imprisonments as imposed**

	Unconditional imprisonment				Conditional imprisonment					
	Total	6-12 months	2-3 months	30 days	Total	1-2 years	3-6 months	2-3 months	1-2 months	30 days
2009	2	1	1	0	20	5	5	0	10	0
First quarter of 2010	2	0	2	0	13	3	6	2	0	2
Second quarter of 2010	0	0	0	0	10	3	4	2	1	0
Third quarter of 2010	0	0	0	0	5	0	3	1	1	0
TOTAL										

Table 7.1.5.

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

	Unconditional fine (expressed in daily incomes)							Other sanctions		
	Total	10 to 25	26 to 75	101 to 150	10 to 25	26 to 50	51 to 75	Judicial admonition	Educational measures	Suspension of juvenile prison
2009	96	14	74	1	0	6	1	0	0	0
First quarter of 2010	12	4	2	0	2	4	0	0	0	0
Second quarter of 2010	4	2	0	1	0	1	0	0	0	0
Third quarter of 2010	8	3	0	0	2	3	0	0	0	0
TOTAL										

Table 7.1.6.

Convicted persons by sanctions imposed for other infringements – right conferred by an invention applied for or protected and other infringements (Article 229, Article 231, Article 232 of the Criminal Code)

Sanctions as imposed

	Conditional imprisonment						Unconditional fine (expressed in daily incomes)					
	Total	6-12 months	3-6 months	2-3 months	1-2 months	30 days	Total	10 to 25	26 to 50	51 to 75	76 to 100	101 to 150
2009	10	4	6	0	0	0	7	2	0	1	4	0
First quarter of 2010	1	1	0	0	0	0	5	2	1	0	1	1
Second quarter of 2010	0	0	0	0	0	0	1	1	0	0	0	0
Third quarter of 2010	0	0	0	0	0	0	1	1	0	0	0	0
TOTAL												

Table 7.1.7.

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

	A security measure comprising the seizure of objects imposed	Material gain seized
Total		
2009	58	8
First quarter of 2010	14	2
Second quarter of 2010	12	1
Third quarter of 2010	5	0

Table 7.1.8.

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

	Security measures			Material gain seized
	Total	Seizure of goods	Expulsion of aliens	
Total				
2009	39	32	7	2
First quarter of 2010	18	18	0	0
Second quarter of 2010	11	11	0	0
Third quarter of 2010	7	7	0	0

Table 7.1.9.**Account of fines imposed on perpetrators of a criminal offence concerning copyright infringement – pirated copies (Article 230 CC)**

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			HRK 2.905	HRK 6.308	HRK 10.458	HRK 14.608	HRK 20.750
First quarter of 2010	HRK	45.586,00	29.866,00	15.720,00	0,00	0,00	0,00
	EUR	6.279,06	4.113,77	2.165,29	0,00	0,00	0,00
Second quarter of 2010	HRK	49.375,00	18.115,00	18.989,00	12.271,00	0,00	0,00
	EUR	6.800,96	2.495,18	2.615,56	1.690,22	0,00	0,00
Third quarter of 2010	HRK	63.226,00	10.610,00	18.851,00	33.765,00	0,00	0,00
	EUR	8.708,82	1.461,43	2.596,56	4.650,83	0,00	0,00

1 EUR = 7,26 HRK

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

Table 7.1.10.**Account of fines imposed on a perpetrator of criminal offence concerning infringements of industrial property rights - Article 285 CC**

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			HRK 2.905	HRK 6.308	HRK 10.458	HRK 14.608	HRK 20.750
First quarter of 2010	HRK	110.817,50	20.205,00	36.014,50	17.028,00	17.570,00	20.000,00
	EUR	15.264,12	2.783,06	4.960,68	2.345,45	2.420,11	2.754,82
Second quarter of 2010	HRK	31.638,00	5.343,00	8.765,00	0,00	17.530,00	0,00
	EUR	4.357,85	735,95	1.207,30	0,00	2.414,60	0,00
Third quarter of 2010	HRK	38.201,00	7.012,00	21.189,00	10.000,00	0,00	0,00
	EUR	5.261,85	965,84	2.918,60	1.377,41	0,00	0,00

1 EUR = 7,26 HRK

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

Table 7.1.11.

Account of fines imposed on a perpetrator of criminal offence concerning infringements of the rights conferred by a protected invention and other infringements - Article 232 CC

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			HRK 2.905	HRK 6.308	HRK 10.458	HRK 14.608	HRK 20.750
First quarter of 2010	HRK	0,00					
	EUR	0,00					
Second quarter of 2010	HRK	0,00					
	EUR	0,00					
Third quarter of 2010	HRK	0,00					
	EUR	0,00					

1 EUR = 7,26 HRK

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

Table 7.1.12.

Fines in HRK imposed on natural persons – infringement of the copyright provisions

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL						
2009	796	144	224	376	45	7
First quarter of 2010	547	40	172	302	33	0
Second quarter of 2010	411	17	129	232	29	4
Third quarter of 2010	344	54	96	180	13	1

Table 7.1.13.

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

	TOTAL	300 to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000	More than 20 000
TOTAL							
2009	362	25	88	179	61	7	2
First quarter of 2010	326	31	65	180	34	6	10
Second quarter of 2010	244	7	49	153	29	6	0
Third quarter of 2010	334	81	61	169	21	2	0

Table 7.1.14.

Fines in HRK imposed on natural persons – infringement of the trademark provisions

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL						
2009	87	1	8	75	3	0
First quarter of 2010	36	1	2	27	6	0
Second quarter of 2010	42	5	10	26	1	0
Third quarter of 2010	72	1	7	60	4	0

Table 7.1.15.

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

	TOTAL	300 to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000	More than 20 000
TOTAL							
2009	56	0	1	27	19	5	4
First quarter of 2010	17	0	0	4	11	2	0
Second quarter of 2010	34	0	1	22	6	1	4
Third quarter of 2010	29	3	2	18	5	1	0

Table 7.1.16.

Fines in HRK imposed on natural persons – infringement of the patent and technical improvements provisions

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
TOTAL						
2009	0					
First quarter of 2010	0					
Second quarter of 2010	0					
Third quarter of 2010	0					

Table 7.1.17.

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

	TOTAL	300 to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000	More than 20 000
TOTAL							
2009	0						
First quarter of 2010	0						
Second quarter of 2010	0						
Third quarter of 2010	0						

7.2. MISDEMEANOR DECISIONS AND SANCTIONS

Table 7.2.1.

Data on the types of court decisions issued against perpetrators of offences in the field of intellectual property in the third quarter of 2010

Infringement of provisions	Accused	Found guilty	Suspension of the misdemeanour procedure		Protective measures
			Total	Limitation	
Total	1.034	638	246	103	47
Infringement of the copyright provisions	894	548	232	103	11
Infringement of the trademark provisions	139	89	14	0	36
Infringement of the patent provisions	0	0	0	0	0
Infringement of the industrial design provisions	0	0	0	0	0
Infringement of the provisions on geographical indications	1	1	0	0	0

Table 7.2.2.
Misdemeanour procedures against natural persons for infringing the copyright provisions

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
TOTAL					
2009	1.676	815	0	796	19
First quarter of 2010	882	599	0	547	52
Second quarter of 2010	642	416	0	411	5
Third quarter of 2010	412	348	0	344	4

Table 7.2.3.
Misdemeanour procedures against legal and responsible persons for infringing the copyright provisions

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
TOTAL				
2009	1.199	375	362	13
First quarter of 2010	557	339	326	13
Second quarter of 2010	463	252	244	8
Third quarter of 2010	364	336	334	2

Table 7.2.4.
Misdemeanour procedures relating to the trademark law infringements and of other symbols (adult persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
TOTAL					
2009	144	95	0	87	8
First quarter of 2010	51	36	0	36	0
Second quarter of 2010	29	42	0	42	0
Third quarter of 2010	101	77	0	72	5

Table 7.2.5.
Misdemeanour procedures relating to the trademark law infringements and of other symbols (legal and responsible persons)

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
TOTAL				
2009	141	58	56	2
First quarter of 2010	10	19	17	2
Second quarter of 2010	28	34	34	0
Third quarter of 2010	27	29	29	0

Table 7.2.6.
Misdemeanour procedures relating to the patent law infringements and of technical improvements (adult persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
TOTAL					
2009	0				
First quarter of 2010	0				
Second quarter of 2010	0				
Third quarter of 2010	0				

Table 7.2.7.
Misdemeanour procedures relating to the patent law infringements and of technical improvements (legal and responsible persons)

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
TOTAL				
2009	0			
First quarter of 2010	0			
Second quarter of 2010	0			
Third quarter of 2010	0			

Table 7.2.8.
Juvenile delinquents – infringement of the copyright provisions

	CRIMINAL PROCEDURE	MISDEMEANOUR PRODECURE
TOTAL IN 2009	0	0
First quarter of 2010	0	0
Second quarter of 2010	0	0
Third quarter of 2010	0	0

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

Table 8.1.
Cases before the Administrative Court (the third quarter of 2010)

TYPE OF DISPUTE	PENDING at the beginning of the period	RECEIVED	TYPES OF DECISIONS					PENDING at the end of the period
			ACCEPTED	REFUSED	SUSPENSION	REJECTION	TOTAL	
TRADEMARKS	164	3		4			4	163
PATENTS	10			2		1	3	7
INDUSTRIAL DESIGNS	5	1						6

Table 8.2.
Cases before commercial courts (the third quarter of 2010)

COMMERCIAL COURT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	NUMBER OF CASES CLOSED										NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD	
			TOTAL	JUDGMENT BASED ON HEARING	CONSENT JUDGMENT	DEFAULT JUDGMENT	JUDGMENT In ABSENCE	JUDGMENT WITHOUT HEARING	JUDGMENT BASED ON WAIVER	SETTLEMENT	REJECTION	REFERRAL TO ANOTHER COURT		OTHERWISE
Zagreb	732	214	145	18		98	2			1		26		801
%			100	12,41		67,59	1,38			0,69		17,93	0,00	
Rijeka	301	30	64	6		51							7	267
%			100	9,38		79,69							10,94	
Split	271	105	64			56							8	312
%			100			87,50							12,50	
Osijek	42	52	34	29									5	60
%			100	85,29									14,71	

Table 8.3.
Cases before commercial courts – consolidated (the third quarter of 2010)

	TYPE OF INFRINGEMENT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	PROVISIONAL MEASURES AND PRELIMINARY MEASURES	CLAIM			MANNER OF CLOSING A CASE										CASES CLOSED TOTAL	NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD	
					ACCEPTED	REFUSED	PARTIALLY ACCEPTED	BY A JUDGMENT	JUDGMENT BY CONFESSION	JUDGMENT WITHOUT A HEARING	JUDGMENT BY WAIVER	JUDGMENT BY DEFAULT	JUDGMENT BY ABSENCE	SETTLEMENT	REJECTION	OTHERWISE	REFERRAL TO ANOTHER COURT			
					4	5	6	7	8	9	10	11	12	13	14	15	16			17
COMMERCIAL COURTS TOTAL	TRADEMARK	46	15	1	4	1	1	8									3	11	50	
	PATENT	7	2	1													1	1	8	
	INDUSTRIAL DESIGN	8	1		1			1										1	8	
	GEOGRAPHICAL INDICATION	9																	9	
	COPYRIGHT	COLLECTIVE	1.162	365		139	101	6	39				205	2			20	18	284	1.243
		INDIVIDUAL	111	16			1		5						1			4	10	117
	OTHER	3	2																	5
	TOTAL	1.346	401	2	144	103	7	53	0	0	0	205	2	1	0	20	26	307	1.440	

Table 8.4.
Cases before the High Commercial Court (the third quarter of 2010)

THE HIGH COMMERCIAL COURT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	NUMBER OF CASES CLOSED								NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD
			TOTAL	CONFIRMED	MODIFIED	JUDGEMENT ABOLISHED		REJECTION	DISCONTINUATION	OTHERWISE	
						VIOLATION OF PROCEDURAL RULES	FACTUAL SITUATION ESTABLISHED INCORRECTLY AND INSUFFICIENTLY				
	416	43	52	39	2		9	1		1	407
	%		100	75,0	3,8		17,3	1,9		1,9	

9. DURATION OF THE PROCEDURE BEFORE COURTS

9.1. Duration of the procedure from filing of a criminal offence report

Table 9.1.

Duration of the procedure from filing of a criminal offence report to the final court decision in the third quarter of 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	1							1						
%	100							100,0						
Unauthorized use of an author's work or of a performer's performance, Art.230 CC	18	2	1	3	2	2	1	2	3	1	1	0	0	0
%	100	11,1	5,6	16,7	11,1	11,1	5,6	11,1	16,7	5,6	5,6			
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC	3			1					2					
%	100			33,3					66,7					
Infringement of the right conferred by an invention applied for or protected, Art.232 CC	0													
%	100													
Infringement of the industrial property rights and unauthorized use of another person's firm, Art.285 CC	16	2	4	2	2			2	4					
%	100	12,5	25,0	12,5	12,5			12,5	25,0					

9.2. Duration of the procedure from filing of a misdemeanour report to the final court decision

Table 9.2.

Duration of the procedure from filing of a misdemeanour report to the final court decision in the third quarter of 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
Copyright law Infringements	612	23	30	65	110	129	123	20	11	22	17	62		
%	100	3,7	4,9	10,6	18,0	21,1	20,1	3,3	1,8	3,6	2,8	10,1		
Trademark law Infringements and of other symbols	78	2	5	23	17	13	18							
%	100	2,5	6,4	29,5	21,8	16,7	23,1							
Patent law Infringements and of technical improvements	0													
%	100													

9.3. Duration of the procedure before commercial courts

Table 9.3.
Duration of the procedure before commercial courts in the third quarter of 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	307	63	128	89	17	7	1		2
%	100	20,5	41,7	29,0	5,5	2,3	0,3		0,7
HIGH COMMERCIAL COURT	52	3	18	29	2				
%	100	5,8	34,6	55,8	3,8				

9.4. Duration of the procedure before Administrative Court

Table 9.4.
Duration of the procedure before the Administrative Court in the third quarter of 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	7					7			
%	100					100,0			