

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

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

Report for 4Q/2010

Zagreb, March 2011

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|--|-----------|
| 1. INTRODUCTION | 1 |
| 2. PENAL LAW PROTECTION AND MISDEMEANOR LAW PROTECTION – A COMPREHENSIVE COURSE OF THE CRIMINAL AND MISDEMEANOR PROCEDURES..... | 2 |
| 3. CUSTOMS ADMINISTRATION – DATA ON NUMBER, TYPES AND VALEUS OF THE GOODS AS SEIZED..... | 4 |
| 4. STATE INSPECTORATE – DATA ON THE NUMBER OF INSPECTIONS AND GOODS AS SEIZED | 16 |
| 5. MINISTRY OF THE INTERIOR – DATA ON NUMBER OF CRIMINAL OFFENCES..... | 22 |
| 6. STATE ATTORNEY’S OFFICE – STATISTICAL DATA ON THE INFRINGEMENTS OF INTELLECTUAL PROPERTY RIGHTS..... | 23 |
| 7. CRIMINAL COURTS..... | 28 |
| 7.1. PENAL LAW SANCTIONS..... | 28 |
| 7.2. MISDEMEANOR DECISIONS AND SANCTIONS | 35 |
| 8. ADMINISTRATIVE COURT AND COMERCIAL COURTS – DATA ON THE NUMBER OF CASES AND MANNER OF PROCESSING | 43 |
| 9. DURATION OF THE PROCEDURE BEFORE COURTS | 47 |
| 9.1. Duration of the procedure from filing of a criminal offence report..... | 47 |
| 9.2. Duration of the procedure from filing of a misdemeanour report to the final court decision..... | 48 |
| 9.3. Duration of the procedure before commercial courts..... | 49 |
| 9.4. Duration of the procedure before the Administrative Court | 50 |

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 | | Fourth Quarter of 2010 | |
| | Received | Closed | 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 | 2 | 1 |
| Unauthorized use of an author's work or of a performer's performance, Article 230 CC | 237 | 211 | 55 | 66 | 38 | 40 | 41 | 27 | 56 | 50 |
| 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 | 6 | 5 |
| Infringement of the rights conferred by an invention applied for or protected, Article 232 CC | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 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 | 25 | 25 |

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 | | Fourth Quarter of 2010 | |
| | Received | Closed | Received | Closed | Received | Closed | Received | Closed | Received | Closed |
| Infringement of the copyright provisions | 2.999 | 2.070 | 1.555 | 1.247 | 823 | 821 | 1164 | 767 | 1.802 | 1.510 |
| Infringement of the trademark provisions | 163 | 65 | 151 | 46 | 425 | 432 | 237 | 92 | 63 | 192 |
| Infringement of the patent provisions | 0 | 0 | 0 | 0 | 10 | 6 | 0 | 0 | 3 | 6 |
| Infringement of the industrial design provisions | 0 | 1 | 0 | 0 | 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 | 4 | 5 |

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 | | |
| Fourth 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 | | | |
| Fourth 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 | | | |
| Fourth 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 fourth quarter of 2010 – Customs Administration

| Product type | Number of procedures | % | Number of products | % |
|---|-----------------------------|--------------|---------------------------|--------------|
| 1. Foodstuffs, alcoholic and other beverages | 1 | 0,60 | 22.000 | 6,89 |
| a) foodstuffs | | | | |
| b) alcoholic beverages | 1 | 0,60 | 22.000 | 6,89 |
| c) other beverages | | | | |
| 2. Body care products | 16 | 9,64 | 33.974 | 10,64 |
| a) perfumes and cosmetics | 15 | 9,04 | 30.734 | 9,63 |
| b) other products | 1 | 0,60 | 3.240 | 1,01 |
| 3. Clothes and clothing accessories | 56 | 33,73 | 19.841 | 6,22 |
| a) clothes | 47 | 28,31 | 18.894 | 5,92 |
| b) clothing accessories | 9 | 5,42 | 947 | 0,30 |
| 4. Footwear | 14 | 8,43 | 27.572 | 8,63 |
| a) sports footwear | 5 | 3,01 | 8.564 | 2,68 |
| b) other footwear | 9 | 5,42 | 19.008 | 5,95 |
| 5. Personal accessories | 40 | 24,10 | 15.707 | 4,92 |
| a) sunglasses and prescription glasses | 7 | 4,22 | 4.468 | 1,40 |
| b) bags | 21 | 12,65 | 10.662 | 3,34 |

| | | | | |
|---|-----------|-------------|---------------|--------------|
| c) watches | 12 | 7,23 | 577 | 0,18 |
| d) jewellery and other accessories | | | | |
| 6. Mobile phones, parts and implements | 11 | 6,63 | 36.525 | 11,45 |
| a) mobile phones | 3 | 1,81 | 6 | 0,01 |
| b) parts and implements | 8 | 4,82 | 36.519 | 11,44 |
| 7. Electrical / electronic and computer equipment | 15 | 9,04 | 2.102 | 0,66 |
| a) audio/video devices including spare parts and implements | 2 | 1,21 | 218 | 0,07 |
| b) memory cards and sticks | 1 | 0,60 | 30 | 0,01 |
| c) toners and inks | | | | |
| d) computer equipment (hardware) including parts and implements | 11 | 6,63 | 1.554 | 0,49 |
| e) other equipment including accessories and spare parts | 1 | 0,60 | 300 | 0,09 |
| 8. CDs, DVDs, cassettes and other data carriers | | | | |
| a) recorded (music, film, programs, games) | | | | |
| b) unrecorded | | | | |
| 9. Toys, games and sports equipment | 1 | 0,60 | 1.440 | 0,45 |

| | | | | |
|--|------------|---------------|----------------|---------------|
| a) toys | 1 | 0,60 | 1,440 | 0,45 |
| 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 | 2 | 1,21 | 132 | 0,04 |
| 12. Other | 10 | 6,02 | 159.952 | 50,10 |
| a) machines and tools | | | | |
| b) vehicles including parts and implements | 1 | 0,60 | 480 | 0,15 |
| c) office supplies | | | | |
| d) lighters | | | | |
| e) labels, stickers | | | | |
| f) textile products | | | | |
| g) packaging material | | | | |
| h) other | 9 | 5,42 | 159.472 | 49,95 |
| TOTAL | 166 | 100,00 | 319.245 | 100,00 |

Table 3.5.

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

| Product type | Goods destroyed | Judicial proceedings | Goods released |
|--|------------------------|-----------------------------|-----------------------|
| 1. Foodstuffs, alcoholic and other beverages | | | 1 |
| a) foodstuffs | | | |
| b) alcoholic beverages | | | 1 |
| c) other beverages | | | |
| 2. Body care products | 10 | 6 | |
| a) perfumes and cosmetics | 9 | 6 | |
| b) other products | 1 | | |
| 3. Clothes and clothing accessories | 31 | 25 | |
| a) clothes | 26 | 21 | |
| b) clothing accessories | 5 | 4 | |
| 4. Footwear | 8 | 6 | |
| a) sports footwear | 2 | 3 | |
| b) other footwear | 6 | 3 | |
| 5. Personal accessories | 26 | 13 | 1 |
| a) sunglasses and prescription glasses | 3 | 4 | |
| b) bags | 16 | 5 | |
| c) watches | 7 | 4 | 1 |
| d) jewellery and other accessories | | | |
| 6. Mobile phones, parts and implements | 7 | 4 | |
| a) mobile phones | | | |
| b) parts and implements | 7 | 4 | |
| 7. Electric / electronic and computer equipment | 10 | 5 | |
| a) audio/video devices including parts and implements | 2 | | |
| b) memory cards and sticks | | 1 | |

| | | | |
|---|-----------|-----------|----------|
| c) toners and inks | | | |
| d) computer equipment (hardware) including parts and implements | 7 | 4 | |
| e) other equipment including accessories and spare parts | 1 | | |
| 8. CDs, DVDs, cassettes and other data carriers | | | |
| a) recorded (music, film, programs, games) | | | |
| b) unrecorded | | | |
| 9. Toys, games and sports equipment | | 1 | |
| a) toys | | 1 | |
| 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 | | 2 | |
| 12. Other | 4 | 6 | |
| a) machines and tools | | | |
| b) vehicles, including parts and implements | | 1 | |
| c) office supplies | | | |
| d) lighters | | | |
| e) labels, stickers | | | |
| f) textile products | | | |
| g) packaging material | | | |
| h) other | 4 | 5 | |
| TOTAL | 96 | 68 | 2 |

Table 3.6.

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

| Product type | Goods destroyed | Goods released | Judicial proceedings |
|--|-----------------|----------------|----------------------|
| 1. Foodstuffs, alcoholic and other beverages | | | 22.000 |
| a) foodstuffs | | | |
| b) alcoholic beverages | | | 22.000 |
| c) other beverages | | | |
| 2. Body care products | 31.032 | 2.942 | |
| a) perfumes and cosmetics | 27.792 | 2.942 | |
| b) other products | 3.240 | | |
| 3. Clothes and clothing accessories | 15.385 | 4.456 | |
| a) clothes | 15.203 | 3.691 | |
| b) clothing accessories | 182 | 765 | |
| 4. Footwear | 15.292 | 12.280 | |
| a) sports footwear | 8.460 | 104 | |
| b) other footwear | 6.832 | 12.176 | |
| 5. Personal accessories | 14.581 | 1.125 | 1 |
| a) sunglasses and prescription glasses | 3.633 | 835 | |
| b) bags | 10.377 | 285 | 1 |
| c) watches | 571 | 5 | |
| d) jewellery and other accessories | | | |
| 6. Mobile phones, parts and implements | 36.344 | 181 | |
| a) mobile phones | | 6 | |
| b) parts and implements | 36.344 | 175 | |
| 7. Electric / electronic and computer equipment | 1.008 | 1.094 | |
| a) audio/video devices including parts and implements | 218 | | |
| b) memory cards and sticks | | 30 | |

| | | | |
|---|----------------|----------------|---------------|
| c) toners and inks | | | |
| d) computer equipment (hardware) including parts and implements | 490 | 1.064 | |
| e) other equipment including accessories and spare parts | 300 | | |
| 8. CDs, DVDs, cassettes and other data carriers | | | |
| a) recorded (music, film, programs, games) | | | |
| b) unrecorded | | | |
| 9. Toys, games and sports equipment | | 1.440 | |
| a) toys | | 1.440 | |
| 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 | | 132 | |
| 12. Other | 9.844 | 150.108 | |
| a) machines and tools | | | |
| b) vehicles including parts and implements | | 480 | |
| c) office supplies | | | |
| d) lighters | | | |
| e) labels, stickers | | | |
| f) textile products | | | |
| g) packaging material | | | |
| h) other | 9.844 | 149.628 | |
| TOTAL | 123.486 | 173.758 | 22.001 |

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 fourth quarter of 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 | 1.360.137,61 | 25,79 |
| a) perfumes and cosmetics | 1.279.473,71 | 24,26 |
| b) other products | 80.552,90 | 1,53 |
| 3. Clothes and clothing accessories | 997.872,38 | 18,92 |
| a) clothes | 989.236,15 | 18,76 |
| b) clothing accessories | 8.636,23 | 0,16 |
| 4. Footwear | 1.360.641,49 | 25,80 |
| a) sports footwear | 988.380,00 | 18,74 |
| b) other footwear | 372.261,49 | 7,06 |
| 5. Personal accessories | 835.731,75 | 15,84 |
| a) sunglasses and prescription glasses | 533.852,74 | 10,12 |
| b) bags | 208.984,11 | 3,96 |
| c) watches | 92.894,90 | 1,76 |
| d) jewellery and other accessories | | |
| 6. Mobile phones, parts and implements | 651.433,59 | 12,35 |
| a) mobile phones | | |
| b) parts and implements | 651.433,59 | 12,35 |
| 7. Electric / electronic and computer equipment | 21.541,49 | 0,41 |
| a) audio/video devices including parts and implements | 7.282,16 | 0,14 |
| b) memory cards and sticks | | |
| c) toners and inks | | |
| d) computer programs (hardware) including parts and implements | 6.997,92 | 0,13 |

| | | |
|--|---------------------|---------------|
| e) other equipment including accessories and spare parts | 7.261,41 | 0,14 |
| 8. CDs, DVDs, cassettes and other data carriers | | |
| a) recorded (music, film, programs, games) | | |
| b) unrecorded | | |
| 9. Toys, games and sports equipment | | |
| a) toys | | |
| 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 | 45.802,21 | 0,87 |
| a) machines and tools | | |
| b) vehicles, including parts and implements | | |
| c) office supplies | | |
| d) lighters | | |
| e) labels, stickers | | |
| f) textile products | | |
| g) packaging material | | |
| h) other | 45.802,21 | 0,87 |
| TOTAL | 5.273.160,52 | 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 - State Inspectorate

| 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 |
| Fourth quarter of 2010 | not available | 180 | - | 944 | 135 | 251 | 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) - State Inspectorate

| 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 |
| Fourth quarter of 2010 | 18 | 289 | 124,12 |

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- State Inspectorate

| 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 |
| Fourth quarter of 2010 | *not available | 2 | 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) - State Inspectorate

| 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 |
| Fourth quarter of 2010 | 307 | 19 | 6,19 | 2.808 | 55.412,03 |

TA –Trademark Act

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

| Year | Number of inspections | Noumber 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 |
| Fourth quarter of 2010 | 5 | 0 | 0 | 0,00 |

IDA – Industrial Design Act

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

| 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 |
| Fourth quarter of 2010 | 0 | 0 | 0 | 0 |

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- State Inspectorate

| 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 |
| Fourth quarter of 2010 | 85 | 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 | | Fourth Quarter of 2010 | |
| | Pieces | % | Pieces | % | Pieces | % | Pieces | % | Pieces | % |
| CLOTHES | 14.640 | 48,75 | | | | | | | | |
| Sportswear | 9.413 | 31,34 | 194 | 34,89 | 31 | 2,82 | 246 | 3,38 | 277 | 2,36 |
| Other | 480 | 1,60 | | | 252 | 22,91 | 320 | 4,40 | 1.070 | 9,12 |
| Accessories (caps, scarves) | 4.747 | 15,81 | | | 82 | 7,45 | 1.627 | 22,38 | 1.828 | 15,58 |
| FOOTWEAR | 476 | 1,58 | | | | | | | | |
| Sports footwear | 304 | 1,01 | | | | | | | 197 | 1,68 |
| Other | 172 | 0,57 | 2 | 0,36 | 41 | 3,73 | 153 | 2,10 | 504 | 4,29 |
| LEATHER FANCY GOODS | 974 | 3,24 | 26 | 4,67 | 241 | 21,91 | 608 | 8,36 | 1.012 | 8,62 |
| WATCHES | 3.547 | 11,81 | 29 | 5,22 | 53 | 4,82 | 3.182 | 43,76 | 3.264 | 27,81 |
| GLASSES | 7.313 | 24,35 | 64 | 11,52 | 155 | 14,09 | 609 | 8,38 | 1.054 | 8,98 |
| PERFUMES | 2 | 0,01 | 6 | 1,08 | | | 10 | 0,14 | 16 | 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 | 2.513 | 21,41 |
| TOTAL | 30.032 | 100,00 | 556 | 100,00 | 1.100 | 100,00 | 7.271 | 100,00 | 11.735 | 100,00 |

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 | Total | Number of criminal offences reported against known perpetrators | | | |
|--|-------|---|------------------------|-----------------------|------------------------|
| | | First quarter of 2010 | Second quarter of 2010 | Third quarter of 2010 | Fourth quarter of 2010 |
| Infringements of the authors' rights or of the performers' rights, Article 229 CC | 2 | - | - | - | 1 |
| Unauthorized use of an author's work or of a performer's performance, Article 230 CC | 112 | 32 | 26 | 26 | 45 |
| Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC | 12 | 8 | 5 | 13 | 18 |
| Infringement of the rights conferred by an invention applied for or protected, Article 232 CC | - | - | - | 1 | 4 |
| Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC | 100 | 18 | 8 | 17 | 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 - State Attorney's Office

| | 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 | - | - | - | - | - | - |
| Fourth 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 - State
Attorney's Office

| | 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 | - |
| Fourth quarter of 2010 | 7 | 6 | - | - | 11 | 1 |

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 - State Attorney's Office**

| | 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 | - | - | - | - | - | - |
| Fourth quarter of 2010 | 2 | 2 | - | - | 2 | - |

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 - State Attorney's Office

| | 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 of 2010 | - | - | - | - | - | - |
| Third quarter of 2010 | - | - | - | - | - | - |
| Fourth 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 - State Attorney's Office

| | 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 | - |
| Fourth quarter of 2010 | 7 | 7 | - | - | 3 | - |

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 fourth quarter of 2010

| | Persons accused Total | Persons found guilty | Not found guilty | | | |
|--|--------------------------|-------------------------|---|-----------|----------|------------------------------------|
| | | | Suspension of the criminal procedure | Acquittal | Refusal | Mentally incompetent persons |
| Total | 57 | 52 | 3 | 1 | 1 | 0 |
| Infringements of the authors' or of the performers' rights, Article 229 CC | 0 | 0 | 0 | 0 | 0 | 0 |
| Unauthorized use of an author's work or of a performer's performance, Article 230 CC | 31 | 27 | 3 | 0 | 1 | 0 |
| Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC | 6 | 6 | 0 | 0 | 0 | 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 | 20 | 19 | 0 | 1 | 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 |
| Fourth quarter of 2010 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 4 | 4 | 7 | 1 | 0 | 0 |
| 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 |
| Fourth quarter of 2010 | 11 | 7 | 3 | 1 | 0 | 1 | 1 | 0 | 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 |
| Fourth quarter of 2010 | 0 | 0 | 0 | 0 | 8 | 4 | 3 | 0 | 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 |
| Fourth quarter of 2010 | 11 | 6 | 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 |
| Fourth quarter of 2010 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 2 | 3 | 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 |
| Fourth quarter of 2010 | 17 | 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 |
| Fourth quarter of 2010 | 12 | 12 | 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 |
| Fourth quarter of 2010 | HRK | 73.717,56 | 22.194,40 | 27.396,50 | 24.126,66 | 0,00 | 0,00 |
| | EUR | 10.153,93 | 3.057,08 | 3.773,62 | 3.323,23 | 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 |
| Fourth quarter of 2010 | HRK | 42.182,66 | 29.857,66 | 12.325,00 | 0,00 | 0,00 | 0,00 |
| | EUR | 5.810,29 | 4.112,63 | 1.697,66 | 0,00 | 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 | | | | | |
| Fourth 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)

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 fourth quarter of 2010

| Infringement of provisions | Accused | Found guilty | Suspension of the misdemeanour procedure | | Protective measures |
|--|--------------|--------------|--|------------|---------------------|
| | | | Total | Limitation | |
| Total | 2.048 | 1.230 | 552 | 72 | 152 |
| Infringement of the copyright provisions | 1.675 | 985 | 533 | 71 | 13 |
| Infringement of the trademark provisions | 348 | 228 | 10 | 1 | 139 |
| 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 | 5 | 4 | 1 | 0 | 0 |

Table 7.2.2.
Misdemeanour procedures relating to the copyright law infringements (natural persons)

| | 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 |
| Fourth quarter of 2010 | 858 | 530 | 1 | 512 | 17 |

Table 7.2.3.
Misdemeanour procedures relating to the copyright law infringements (legal and responsible persons)

| | 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 |
| Fourth quarter of 2010 | 716 | 455 | 433 | 22 |

Table 7.2.4.
Misdemeanour procedures relating to the trademark law infringements and of other symbols (natural 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 |
| Fourth quarter of 2010 | 222 | 171 | 0 | 136 | 35 |

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 |
| Fourth quarter of 2010 | 49 | 57 | 54 | 3 |

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 | | | | |
| Fourth quarter of 2010 | 1 | 1 | | 1 | |

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 | | | |
| Fourth quarter of 2010 | 12 | 12 | 12 | |

Table 7.2.8.
Fines in HRK relating to the copyright law infringements (natural persons)

| | 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 |
| Fourth quarter of 2010 | 512 | 23 | 145 | 307 | 25 | 12 |

Table 7.2.9.
Fines in HRK relating to the copyright law infringements (legal and responsible persons)

| | 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 |
| Fourth quarter of 2010 | 433 | 19 | 95 | 285 | 23 | 7 | 4 |

Table 7.2.10.

Fines in HRK relating to the trademark law infringements and of other symbols (natural persons)

| | 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 |
| Fourth quarter of 2010 | 136 | 17 | 25 | 92 | 2 | 0 |

Table 7.2.11.

Fines in HRK relating to the trademark law infringements and of other symbols (legal and responsible persons)

| | 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 |
| Fourth quarter of 2010 | 54 | 1 | 5 | 23 | 16 | 6 | 3 |

Table 7.2.12.

Fines in HRK relating to the patent law infringements and of technical improvements (adult persons)

| | 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 | | | | | |
| Fourth quarter of 2010 | 1 | | | 1 | | |

Table 7.2.13.

Fines in HRK relating to the patent law infringements and of technical improvements (legal and responsible persons)

| | 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 | | | | | | |
| Fourth quarter of 2010 | 12 | | 2 | 10 | | | |

Table 7.2.14.
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 |
| Fourth 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 fourth 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 | 163 | 2 | 1 | 34 | | | 35 | 130 |
| PATENTS | 7 | | | 1 | | | 1 | 6 |
| INDUSTRIAL DESIGNS | 6 | | | 1 | | | 1 | 5 |

Table 8.2.
Cases before commercial courts (the fourth 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 | 801 | 245 | 225 | 42 | 2 | 148 | | | | 2 | 1 | | 30 | 821 |
| % | | | 100 | 18,67 | 0,89 | 65,78 | | | | 0,89 | 0,44 | | 13,33 | |
| Rijeka | 267 | 64 | 64 | 11 | | 38 | | | | 1 | | | 14 | 267 |
| % | | | 100 | 17,19 | | 59,38 | | | | 1,56 | | | 21,88 | |
| Split | 312 | | 78 | 21 | | 47 | | | | | | | 10 | 234 |
| % | | | 100 | 26,92 | | 60,26 | | | | | | | 12,82 | |
| Osijek | 60 | 57 | 68 | 57 | 5 | | | | | | | | 6 | 49 |
| % | | | 100 | 83,82 | 7,35 | | | | | | | | 8,82 | |

Table 8.3.
Cases before commercial courts – consolidated (the fourth 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 | 50 | 4 | | 2 | | | 1 | | | | 1 | | | 1 | 1 | | 4 | 50 | |
| | PATENT | 8 | | | 1 | | | | | | | | | | | 1 | | 1 | 7 | |
| | INDUSTRIAL DESIGN | 8 | 7 | | | | | | | | | | | | | | | | 15 | |
| | GEOGRAPHICAL INDICATION | 9 | | | | | | | | | | | | | | | | | 9 | |
| | COPYRIGHT | COLLECTIVE | 1.243 | 337 | | 331 | | | 118 | 7 | | | 227 | | 1 | | 53 | | 406 | 1.174 |
| | | INDIVIDUAL | 117 | 18 | | 8 | 1 | 1 | 12 | | | | 5 | | 2 | | 5 | | 24 | 111 |
| | OTHER | 5 | | | | | | | | | | | | | | | | | | 5 |
| | TOTAL | 1.440 | 366 | | 342 | 1 | 1 | 131 | 7 | | | 233 | | 3 | 1 | 60 | | 435 | 1.371 | |

Table 8.4.
Cases before the High Commercial Court (the fourth 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 | | | | |
| | 407 | 37 | 64 | 46 | 8 | 8 | | 1 | | 1 | 380 |
| | % | | 100 | 71,9 | 12,5 | 12,5 | | 1,6 | | 1,6 | |

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 fourth 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 | 25 | 1 | 2 | 5 | 3 | 3 | 2 | 2 | 3 | 1 | 2 | 1 | | |
| % | 100 | 4,0 | 8,0 | 20,0 | 12,0 | 12,0 | 8,0 | 8,0 | 12,0 | 4,0 | 8,0 | 4,0 | | |
| Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC | 1 | | | | | | 1 | | | | | | | |
| % | 100 | | | | | | 100,0 | | | | | | | |
| 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 | 15 | 7 | 2 | 2 | | | 2 | 2 | | | | | | |
| % | 100 | 46,7 | 13,3 | 13,3 | | | 13,3 | 13,3 | | | | | | |

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 fourth 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 | 854 | 21 | 65 | 133 | 109 | 198 | 167 | 73 | 15 | 14 | 34 | 25 | | |
| % | 100 | 2,5 | 7,6 | 15,6 | 12,7 | 23,2 | 19,6 | 8,5 | 1,8 | 1,6 | 4,0 | 2,9 | | |
| Trademark law Infringements and of other symbols | 164 | | 10 | 70 | 20 | 9 | 51 | 4 | | | | | | |
| % | 100 | | 6,1 | 42,7 | 12,2 | 5,5 | 31,1 | 2,4 | | | | | | |
| Patent law Infringements and of technical improvements | 4 | | | | 4 | | | | | | | | | |
| % | 100 | | | | 100,0 | | | | | | | | | |

9.3. Duration of the procedure before commercial courts

Table 9.3.
Duration of the procedure before commercial courts in the fourth 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 | 435 | 125 | 121 | 117 | 49 | 9 | 9 | 5 | |
| % | 100 | 28,7 | 27,8 | 26,9 | 11,3 | 2,1 | 2,1 | 1,1 | |
| HIGH COMMERCIAL COURT | 64 | 6 | 14 | 29 | 15 | | | | |
| % | 100 | 9,4 | 21,9 | 45,3 | 23,4 | | | | |

9.4. Duration of the procedure before Administrative Court

Table 9.4.
Duration of the procedure before the Administrative Court in the fourth 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 | 37 | | | | | 37 | | | |
| % | 100 | | | | | 100,0 | | | |