

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

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

Annual report 2011

Zagreb, May 2012

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1. FOREWORD

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

The statistical data on the infringements of intellectual property rights in the Republic of Croatia, as presented in this report, have been processed in accordance with the existing methodology developed following the requests having arisen from the negotiation process for the accession to the European Union.

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

Data provided by the Ministry of the Interior for the period up to 2010 relate to the number of filed criminal reports relating to crimes infringing intellectual property. Since 1 January 2011 the data are based on the number of criminal offences as committed and the number of persons reported for such criminal offenses.

Data provided by the Customs Administration relate to the number of procedures instituted *ex officio* and the number of procedures upon the right holder's request instituted. In addition to this, the presentations have been made of data on the goods

as destroyed, data on the stay of proceedings, and data on the cases pending before courts. The stay of proceedings relates to the cases in which the right holder, after detention of goods, failed to initiate further proceeding due to the fact that these goods were original (genuine) or the right holder had no interest in taking measures for the protection of one's own right notwithstanding that counterfeit goods were concerned. Data on the value of goods expressed in EUR, as well as the number and types of products are presented. Since 1.1.2009, the Customs Administration has not monitored the value of the goods as declared, but has monitored the amount of damage that would be suffered by the right holder if such goods were released into free circulation, representing a retail price of such original goods on the domestic market, expressed in EUR.

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

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

EXECUTIVE SUMMARY

THE CUSTOMS

In 2011 the Customs Administration initiated 645 procedures concerning the shipments of goods allegedly infringing intellectual property rights. Of these 645 procedures, 127 (19,7 %) were initiated *ex officio* and 518 (80,3 %) upon the right holder's request.

The goods were destroyed in 455 (70,5 %) and released in 170 (26,4 %) procedures, meanwhile 20 (3,1 %) procedures have been pending awaiting the court decisions about the goods concerned.

In 2011 the Customs initiated procedures for 1.564.663 products. According to the type, the majority of products were of the following three groups:

- | | | |
|------------------------------------|---------|-----------|
| • Other | 995.151 | (63,61 %) |
| • Footwear | 261.926 | (16,73 %) |
| • Clothes and clothing accessories | 167.501 | (10,70 %) |

A total of 455.987 counterfeited products were destroyed of the aggregate retail value of EUR 50.4 million.

Statistical data comparison for 2010 and 2011

Comparing the years 2010 and 2011, the aggregate number of initiated procedures increased from 471 to 645 (31,2 %), thereby *ex officio* procedures decreased from 169 to 127 (24,8 %), and the number of procedures upon the right holder's request increased from 302 to 518 (71,5 %) procedures.

In 2011 the number of procedures under which the products were destroyed increased from 254 to 455 (79,1 %) and released decreased from 204 to 170 (16,7 %). The number of procedures referred to the court for decisions increased from 13 to 20 (53,8 %).

The retail value of the detained and destroyed products significantly increased (by 113 %) from EUR 23.7 to 50,4 million.

STATE INSPECTORATE

In 2011 the State Inspectorate carried out a total of 11.212 supervisions related to the protection of intellectual property rights, 1.048 (9,3 %) of these resulted in indictments for instituting misdemeanour trial.

Of the mentioned number of supervisions, 8.893 (79.3 %) referred to the supervisions on the protection of copyright and related rights, and 2.319 (20,7 %) to the supervisions on the protection of industrial property rights.

Of the mentioned number of indictments for instituting misdemeanour trial, 700 of these (66,8 %) referred to copyright infringements and 348 (33,2 %) to industrial property rights infringements.

The aggregate value of the products detained by the State Inspectorate in 2011 owing to the infringements of intellectual property rights accounted for EUR 233.562.

Copyright infringements of computer programs were found in 562 supervisions and at that occasion on 695 computers 1.342 computer programs were found installed without the author's consent (the value of the illegally installed computer programs has not been monitored since 2007).

In 2011 the State Inspectorate temporarily detained 41.280 products for infringement trademark. The main products were of the three following groups:

- Clothes and clothing accessories 22.375 pcs. (54,21 %)
- Footwear 12.189 pcs. (29,53 %)
- Toys, games and sports equipment 4.921 pcs. (11,92 %).

Statistical data comparison for 2010 and 2011

Comparing the years 2010 and 2011 the aggregate number of supervisions increased from 10.779 to 11.212 (34,0 %) and the number of indictments for instituting misdemeanour trial increased from 957 to 1.048 (9,5 %).

The number of supervisions on the infringements of copyright and related rights increased from 8.100 to 8.893 (9,8 %), whereas the number of supervisions concerning the infringements of industrial property rights decreased from 2.679 to 2.319 (13,4 %).

The number of indictments for instituting misdemeanour trial concerning the infringements of copyright increased from 540 to 700 (29,6 %) and the number of indictments for instituting misdemeanour trial concerning the infringements of industrial property rights decreased from 417 to 348 (16,5 %).

The aggregate number of detained products increased from 12.742 to 41.280 pieces (67,0 %), while the aggregate value in EUR of detained products increased from 110.431,15 to 233.561,53 € (111,5 %).

MINISTRY OF THE INTERIOR

In 2011, the Ministry of the Interior reported 181 adult persons for committing 413 criminal offenses in respect of infringement of intellectual property rights. Of these 108 persons were reported for 273 criminal offenses of copyright infringement, and 73 persons for 140 criminal offenses of infringement of intellectual property rights.

Statistical data comparison for 2010 and 2011

Comparison can not be carried out because the data on the number of criminal offences as committed and the number of persons reported for such criminal offenses have been monitored since 1 January 2011.

STATE ATTORNEY OFFICE

In 2011 the State Attorney Office was reported 337 infringers concerning the infringements of intellectual property rights. 236 (70,0 %) of these were infringers of copyright, and 101 (30,0 %) infringers of industrial property rights.

The State Attorney Office passed in whole 206 decisions against infringers for infringing intellectual property rights. Of these 110 (55,5 %) resulted in indictments for the infringements of copyright, 34 (17,2 %) decisions resulted in indictments for the

infringements of industrial property rights, whereas 38 (19.2 %) decisions resulted in rejecting criminal complaints against copyright infringers. With respect to the infringements of industrial property rights 16 (8,1 %) decisions on rejecting criminal complaints were made.

Statistical data comparison for 2010 and 2011

Comparing the years 2010 and 2011 the number of reported infringers of intellectual property rights increased from 153 to 337 (120,3 %). The number of reported infringers of copyright infringements increased from 140 to 236 (68,6 %) and the number of reported infringers about infringing industrial property rights increased from 13 to 101 (677 %).

The number of decisions taken against infringers resulting in indictments for copyright infringements increased from 45 to 110 (144 %), and for infringing industrial property rights it increased from 6 to 34 (467 %).

The number of decisions issued against the perpetrators of criminal offences that resulted in the rejection of reports has increased from 10 to 38 (280%) for the perpetrators of copyright infringement and 0 to 16 for the perpetrators of industrial property rights infringement.

JUDICIARY

Criminal Courts

In 2011 of the persons accused 135 were accused for infringing intellectual property rights, of these 99 (73,3 %) were charged for copyright infringements, and 36 (26,7 %) for infringing industrial property rights.

Of 135 persons accused for infringing intellectual property rights, 105 persons (77,8 %) were found guilty. Of these persons 71 (67,6 %) were found guilty for copyright infringements, and 34 persons (32,4 %) for infringing industrial property rights.

Of 105 persons found guilty, three of them (2,8 %) were imposed an unconditional prison sentence, 65 persons (62,0 %) were imposed a suspended sentence, whereas the rest was imposed a fine.

Statistical data comparison for 2010 and 2011

Comparing the years 2010 and 2011 the number of persons accused for infringing intellectual property rights decreased from 239 to 135 (39,3 %).

The number of persons found guilty for infringing intellectual property rights decreased from 203 to 105 (48,3 %). The proportion of persons sentenced to unconditional or conditional imprisonment increased from 54,6% to 64.8%.

Magistrates' Courts

In 2011 misdemeanour trials were instituted against 4.791 natural persons for the infringements of copyright provisions. Consequently 2.686 persons (56,1 %) were found guilty, of these five persons was sentenced to imprisonment, and 2.642 persons (98,4 %) were imposed a fine. The other persons were admonished.

Under misdemeanour trials conducted against legal and responsible persons, misdemeanour trials were instituted against 2.404 persons for the infringements of copyright provisions. Thereby 1427 persons (59,3 %) were found responsible, of these 1.376 of (96.4 %) were imposed a fine. The other persons were admonished.

Misdemeanour trials were instituted against 236 natural persons for the infringements of trademark provisions. Thereby 158 persons (66,9 %) were found guilty, of these 156 (98,7 %) were imposed a fine. The other persons were admonished.

Misdemeanour trials were instituted against 71 legal entities and responsible persons for the infringements of trademark provisions. Thereby 57 (80,3 %) persons were found responsible, of these persons 55 were imposed a fine. The other persons were admonished.

Statistical data comparison for 2010 and 2011

Comparing the years 2010 and 2011, the number of natural persons against whom misdemeanour trials were instituted for the infringements of copyright provisions increased from 3.083 to 4.791 (55.5 %), and the number of legal entities increased from 2.126 to 2.404 (11,1 %).

The number of natural persons against whom misdemeanour trials were instituted for the infringements of trademark provisions decreased from 438 to 236 (23,3 %), whereas the number of legal entities increased from 49 to 71 (44,9 %).

The number of court cases and duration of procedures

Administrative Court of the Republic of Croatia

On 1 January 2011 the Administrative Court of the Republic of Croatia had 141 pending cases in the field of industrial property rights. In the course of that year 12 new cases were received and 131 (86,6%) cases decided. Consequently, on 31 December 2011, unsolved remained 22 cases in the field of industrial property rights.

In 2011 the Administrative Court of the Republic of Croatia decided on 131 cases, 110 (84,0 %) of these were decided within two to three years, 15 (11,5 %) cases were decided within one to two years, and other six (4,6 %) within one year period.

Commercial Courts

On 1 January 2011 the competent commercial courts had pending 1.374 cases in the field of intellectual property rights. In the course of that year 1.588 new cases were received, and 1.503 cases decided. Consequently, on 31 December 2011 1.459 were pending cases in the field of intellectual property rights.

In 2011 of 1.503 decided cases, 953 (63,4 %) were decided within a one year period, and 481 (32,0 %) within a two year period.

High Commercial Court of the Republic of Croatia

On 1 January 2011 the High Commercial Court of the Republic of Croatia had 380 pending cases in the field of intellectual property rights. In the course of 2011 were

received 197 new cases and 259 (44,9 %) decided. Consequently, on 31 December 2011 there were 318 pending cases in the field of intellectual property rights.

In 2011 of 259 decided cases, 134 cases (52,3 %) were decided within a six-month period, and 106 cases (40,9 %) within a twelve-month period.

Criminal Courts

In 2011 criminal courts decided in whole 135 cases for infringing intellectual property rights. 99 (73,3 %) of these referred to the copyright infringements, and 36 (26,7 %) to the infringements of industrial property rights.

In the course of a one year period, in whole were decided 90 (69,2 %) cases in the field of intellectual property rights, of these 65 referred to copyright infringements, and 25 cases to infringements of industrial property rights.

In the course of one to two years in whole were decided 29 (22,3 %) cases in the field of intellectual property rights, 23 of these referred to copyright infringements, and 6 cases to infringements of industrial property rights.

Magistrate's Courts

In 2011 Magistrate's courts decided in whole 3.254 cases for infringing the provisions of intellectual property rights. Of these 3.063 (94,1 %) referred to the infringements of copyright provisions, 190 (5,8 %) cases referred to the infringements of trademark provisions and one case to the infringements of patent provisions.

Of the aggregate number of cases decided in 2011 by Magistrate's courts referring to the infringements of the provisions on intellectual property rights, 2.679 (82,3 %) were decided in one year period, 2.447 of these cases referred to the infringements of the copyright provisions and 132 cases referred to the infringements of the trademark provisions.

In the course of one to two years, in whole 354 (10,9%) cases were decided, of these 332 referred to the infringements of the copyright provisions and 22 cases referred to the infringements of the trademark provisions.

In the course of two to three years, in whole 114 (3,5 %) cases were decided.

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

2.1. Comprehensive course of action of a criminal procedure from filing a criminal complaint until the criminal court decision in 2011

In 2011, the Ministry of the Interior (Police) has filed 413 criminal reports for infringements of intellectual property rights, the State Attorney's Offices issued decisions against 206 perpetrators of criminal offences for the infringements of intellectual property rights, while criminal courts issued decisions against 135 accused persons and pronounced 90 sentences (3 sentences are unconditional imprisonment).

2.2. Comprehensive course of action of a misdemeanour trial in 2011

In 2011 in whole 5.028 misdemeanour reports were filed against natural persons for infringing the provisions of intellectual property. 2.845 natural persons were found guilty and imposed the identical number of sanctions. The majority of fine sentences were imposed, namely 2.789 (98.0 %).

In the same period 2.478 reports were filed against legal and responsible persons for infringing the provisions of intellectual property. 1.487 legal entities were found responsible and imposed a fine sentence, namely 1.438.

Table 2.1.
Comprehensive course of action of the criminal procedure from a criminal complaint to the court decision in 2011

Criminal offences	Police crime reports	State Attorney Office						Perpetrator unknown	Courts									
		Total	Decisions				Total		Decisions				Sanctions					
			Report rejected	Investigation discontinued	Investigation suspended	Indictment			Found guilty	Suspension of the criminal procedure	Acquittal	Decision of refusal	Unconditional	Conditional	Fine	Other sanctions		
Infringements of the rights of authors or of the rights of performers, Art.229	0	10	4	0	0	1	0	2	1	0	1	0	0	0	0	0	0	
Unauthorized use of an author's work or of a performer's performance, Art.230	192	186	30	0	0	95	0	79	58	8	6	7	58	3	41	14	0	
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231	81	40	4	0	0	14	0	18	15	0	3	0	11	0	9	2	0	
Infringement of the right conferred by an invention applied for or protected, Art.232	2	4	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	
Infringement of the industrial property rights and unauthorized use of another's property Art.285	138	97	16	0	0	34	1	35	34	1	0	0	31	0	16	15	0	

Table 2.2.
Misdemeanour law protection - a comprehensive course of action of the misdemeanour trial in 2011

Misdemeanour offences	Natural person							Legal and responsible persons					
	Misdemeanour reports	Decisions		Sanctions				Misdemeanour reports	Decisions		Sanctions		
	Total	Accused	Found guilty	Total	Imprisonment	Fine	Reprimand/Admonition	Total	Accused	Found guilty	Total	Fine	Reprimand/Admonition
Infringement of the copyright provisions ("PIRATED COPIES")	4.791	4.791	2.686	2.686	5	2.642	39	2.404	2.404	1.427	1.427	1.376	51
Infringement of the provisions on trademarks and other indications	236	236	158	148	0	146	2	71	71	57	57	55	2
Infringement of the patent and technical improvements provisions	1	1	1	1	0	1	0	3	3	3	3	3	0

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

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

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

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

	TOTAL	Number of procedures	
		Ex officio	Upon a request of the right holder
2007.	282	29	253
2008.	225	24	201
2009.	300	144	156
2010.	471	169	302
2011.	645	127	518

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

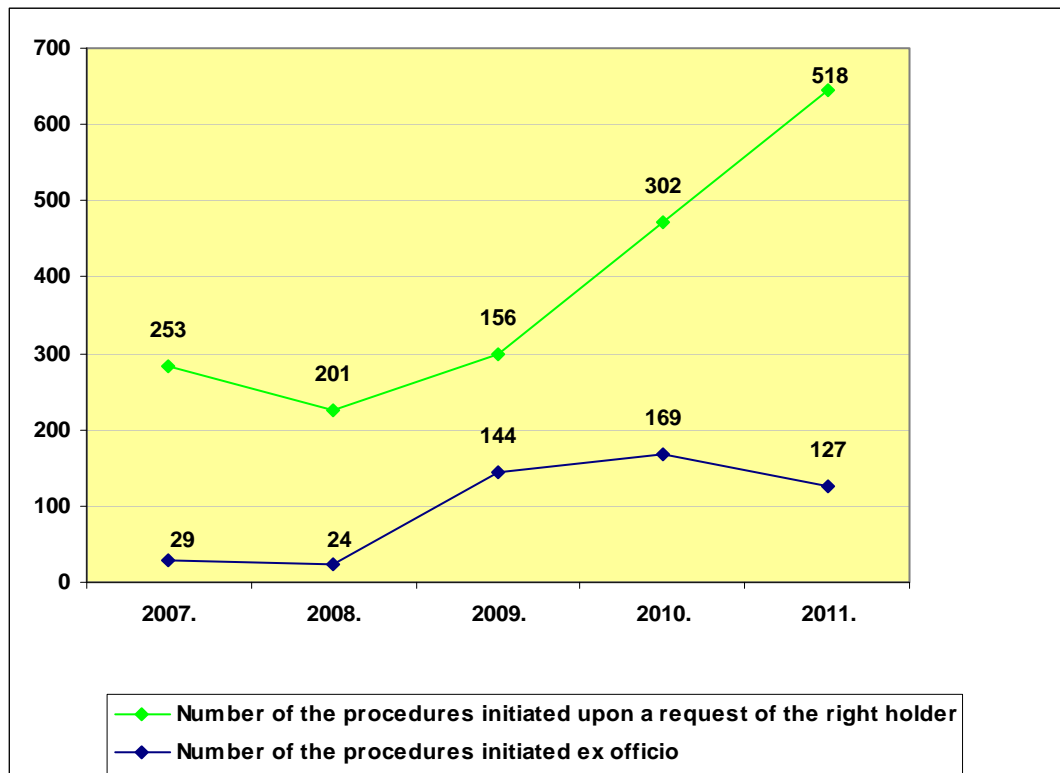


Table 3.2.
Outcomes of the procedures instituted in the cases of infringements
of intellectual property rights – Customs Administration

	TOTAL	PROCEDURES		
		Goods destroyed	Goods released	Judicial proceedings
2007.	282	151	116	10
2008.	225	141	76	8
2009.	300	146	149	2
2010.	471	254	204	13
2011.	645	455	170	20

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

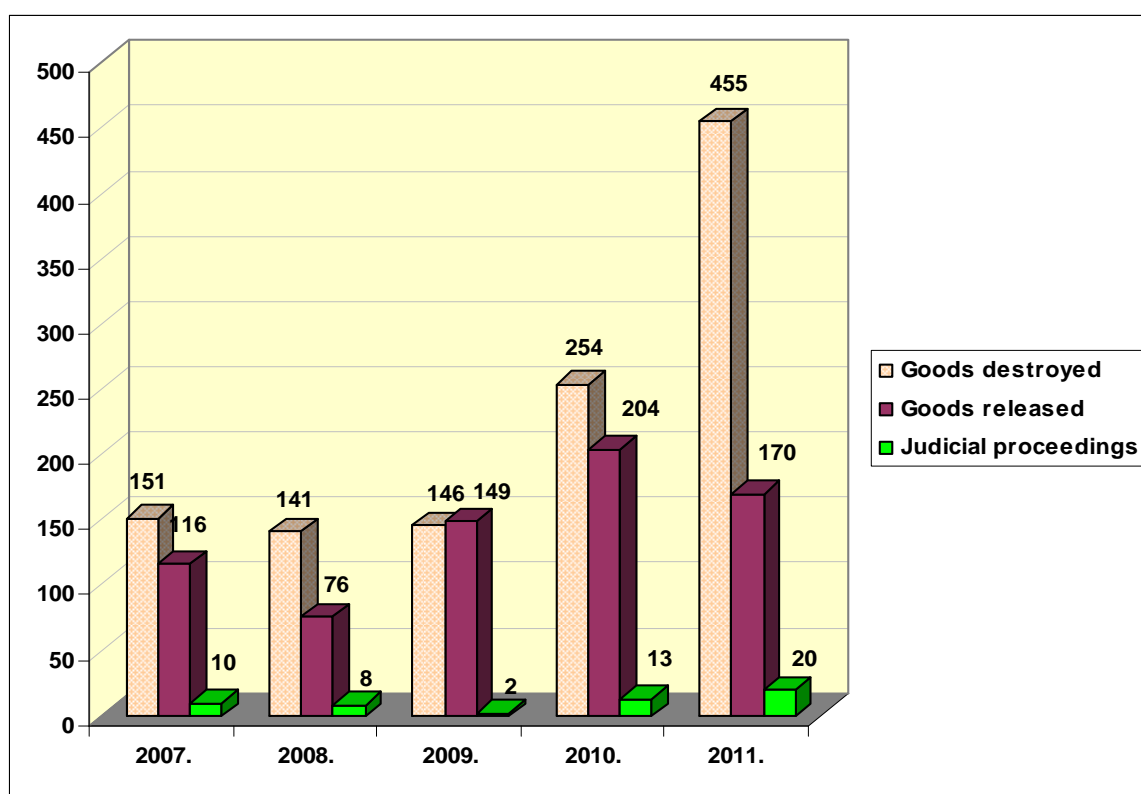


Table 3.3.
The value of destroyed counterfeit goods in EUR – Customs Administration

	The value of destroyed goods in EUR	Index compared to the previous year
2006.	248.550,60	435
2007.	4.818.507,80	1.939
2008.	43.122,42	1
2009.*	15.365.986,39	
2010.	23.729.627,73	154
2011.	50.448.061,20	112,60

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

Table 3.4.

The number of instituted proceedings and the number of dubious products in portion with the aggregate number according to the type of products in the course of 2011 – Customs Administration

Product type	Number of procedures	%	Number of products	%
1. Foodstuffs, alcoholic and other beverages	2	0,29	18.000	1,15
a) foodstuffs				
b) alcoholic beverages	2	0,29	18.000	1,15
c) other beverages				
2. Body care products	28	4,01	1.893	0,12
a) perfumes and cosmetics	28	4,01	1.893	0,12
b) other products				
3. Clothes and clothing accessories	192	27,47	167.501	10,7
a) clothes	172	24,61	159.367	10,18
b) clothing accessories	20	2,86	8.134	0,52
4. Footwear	172	24,60	261.926	16,73
a) sports footwear	60	8,58	61.428	3,92
b) other footwear	112	16,02	200.498	12,81
5. Personal accessories	169	24,18	82.140	5,24
a) sunglasses and prescription glasses	35	5,01	1.072	0,07
b) bags	82	11,73	67.326	4,30
c) watches	49	7,01	13.519	0,86
d) jewellery and other accessories	3	0,43	223	0,01
6. Mobile phones, parts and implements	17	2,43	5.561	0,36
a) mobile phones	10	1,43	25	0,01
b) parts and implements	7	1,00	5.536	0,35
7. Electrical / electronic and computer equipment	15	2,15	7.377	0,48
a) audio/video devices including spare parts and implements	3	0,43	1.170	0,07
b) memory cards and sticks				

c) toners and inks	3	0,43	710	0,05
d) computer equipment (hardware) including parts and implements	8	1,15	5.415	0,35
e) other equipment including accessories and spare parts	1	0,14	82	0,01
8. CDs, DVDs, cassettes and other data carriers	0	0,00	0	0,00
a) recorded (music, film, programs, games)				
b) unrecorded				
9. Toys, games and sports equipment	13	1,84	16.481	1,06
a) toys	7	1,00	11.437	0,73
b) games (including electronic game consoles)	2	0,27	582	0,04
c) sports equipment (including leisure time equipment)	4	0,57	4.462	0,29
10. Tobacco products	3	0,43	3.260	0,21
a) cigarettes	3	0,43	3.260	0,21
b) other tobacco products				
11. Medical products	11	1,57	5.373	0,34
12. Other	77	11,03	995.151	63,61
a) machines and tools	7	1,00	10.277	0,66
b) vehicles including parts and implements	1	0,14	76	0,01
c) office supplies	2	0,29	13.968	0,89
d) lighters	4	0,57	720	0,05
e) labels, stickers	9	1,29	8.800	0,56
f) textile products	12	1,72	2.504	0,16
g) packaging material	8	1,15	8.123	0,52
h) other	34	4,87	950.683	60,76
TOTAL	699	100	1.564.663	100

Note:

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

Chart 3.3.
Portions of the types of products in the aggregate number of dubious products in the course of 2011 - Customs Administration

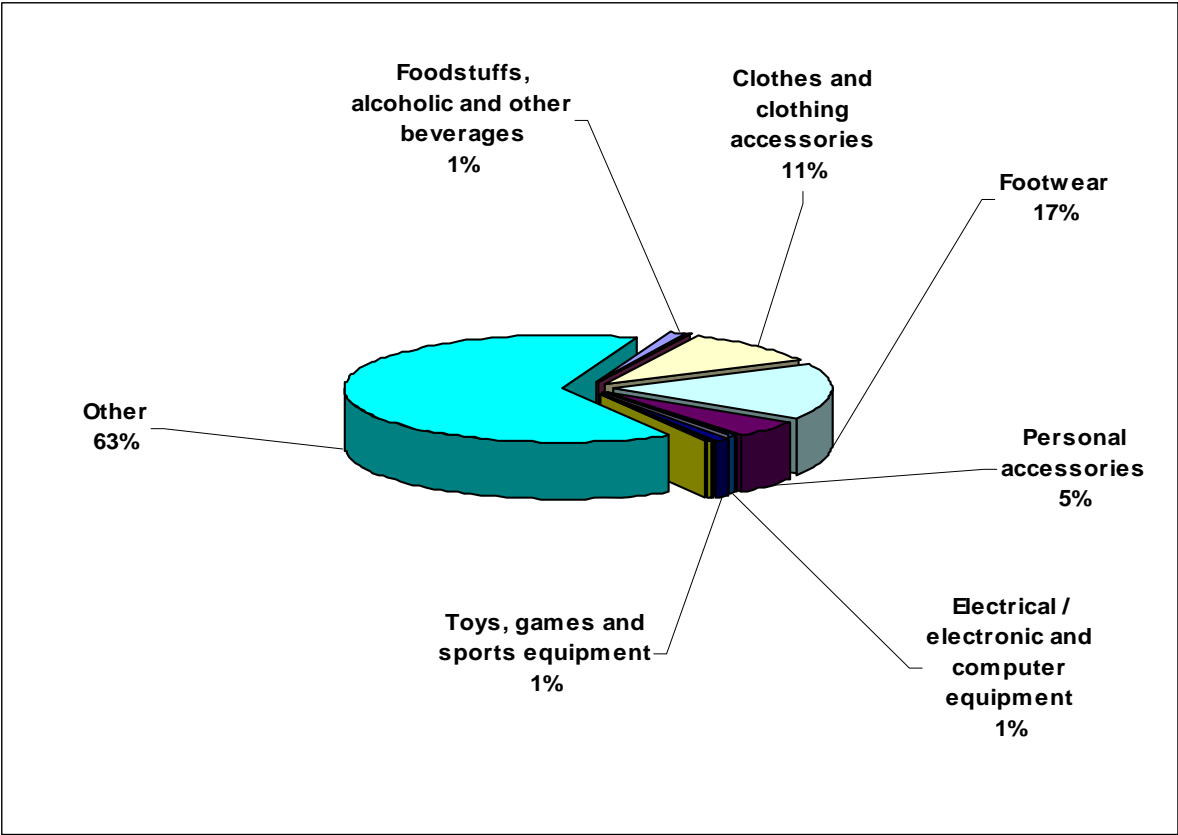


Table 3.5.

The number of initiated procedures according to the types of products and the procedure outcomes in 2011 – Customs Administration

Product type	Goods destroyed	Goods released	Judicial proceedings
1. Foodstuffs, alcoholic and other beverages	0	2	0
a) foodstuffs			
b) alcoholic beverages	0	2	0
c) other beverages			
2. Body care products	23	5	0
a) perfumes and cosmetics	23	5	0
b) other products			
3. Clothes and clothing accessories	129	59	4
a) clothes	118	51	3
b) clothing accessories	11	8	1
4. Footwear	146	20	6
a) sports footwear	55	5	0
b) other footwear	91	15	6
5. Personal accessories	119	47	3
a) sunglasses and prescription glasses	25	10	0
b) bags	58	22	2
c) watches	33	15	1
d) jewellery and other accessories	3	0	0
6. Mobile phones, parts and implements	14	3	0
a) mobile phones	9	1	0
b) parts and implements	5	2	0
7. Electrical / electronic and computer equipment	12	3	0

a) audio/video devices including spare parts and implements	1	2	0
b) memory cards and sticks			
c) toners and inks	3	0	0
d) computer equipment (hardware) including parts and implements	8	0	0
e) other equipment including accessories and spare parts	0	1	0
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	4	7	2
a) toys	2	4	1
b) games (including electronic game consoles)	0	1	1
c) sports equipment (including leisure time equipment)	2	2	0
10. Tobacco products	0	3	0
a) cigarettes	0	3	0
b) other tobacco products			
11. Medical products	8	3	0
12. Other	25	38	14
a) machines and tools	4	1	2
b) vehicles including parts and implements	1	0	0
c) office supplies	1	1	0
d) lighters	3	1	0
e) labels, stickers	4	2	3
f) textile products	4	4	4

g) packaging material	4	3	1
h) other	4	26	4
TOTAL	480	190	29

Note:

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

Table 3.6.
The number of dubious products according to the type of goods and the
outcome of procedure in the course of 2011 – Customs Administration

Product type	Goods destroyed	Goods released	Judicial proceedings
1. Foodstuffs, alcoholic and other beverages	0	18.000	0
a) foodstuffs			
b) alcoholic beverages	0	18.000	0
c) other beverages			
2. Body care products	1.863	30	0
a) perfumes and cosmetics	1.863	30	0
b) other products			
3. Clothes and clothing accessories	141.027	4.206	22.268
a) clothes	140.933	4.168	14.266
b) clothing accessories	94	38	8.002
4. Footwear	178.697	53.288	29.941
a) sports footwear	49.638	11.790	0
b) other footwear	129.059	41.498	29.941
5. Personal accessories	79.980	1.793	367
a) sunglasses and prescription glasses	1.038	34	0
b) bags	66.942	307	77
c) watches	11.777	1.452	290
d) jewellery and other accessories	223		
6. Mobile phones, parts and implements	3.270	2.291	0
a) mobile phones	24	1	0
b) parts and implements	3.246	2.290	0
7. Electrical / electronic and computer equipment	6.825	552	0
a) audio/video devices including spare parts and implements	700	470	0
b) memory cards and sticks			

c) toners and inks	710	0	0
d) computer equipment (hardware) including parts and implements	5.415	0	0
e) other equipment including accessories and spare parts	0	82	0
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	498	15.173	810
a) toys	396	10.589	452
b) games (including electronic game consoles)	0	224	358
c) sports equipment (including leisure time equipment)	102	4.360	0
10. Tobacco products	0	3.260	0
a) cigarettes		3.260	
b) other tobacco products			
11. Medical products	5.313	60	0
12. Other	38.514	921.659	34.978
a) machines and tools	5.555	72	4.650
b) vehicles including parts and implements	76		
c) office supplies	5.184	8.784	0
d) lighters	545	175	0
e) labels, stickers	5.726	354	2.720
f) textile products	204	213	2.087
g) packaging material	5.782	2.008	333
h) other	15.442	910.053	25.188
TOTAL	455.987	1.020.312	88.364

Table 3.7.

The value of destroyed counterfeit goods expressed in EUR and the proportion to the aggregate value according to the types of goods in the course of 2011 – Customs Administration

Product type	Value in €	%
1. Foodstuffs, alcoholic and other beverages	0,00	0,00
a) foodstuffs		
b) alcoholic beverages		
c) other beverages		
2. Body care products	163.291,35	0,32
a) perfumes and cosmetics	163.291,35	0,32
b) other products		
3. Clothes and clothing accessories	10.895.038,05	21,60
a) clothes	10.890.566,80	21,59
b) clothing accessories	4.471,25	0,01
4. Footwear	13.541.977,70	26,84
a) sports footwear	4.768.170,30	9,45
b) other footwear	8.773.807,40	17,39
5. Personal accessories	23.564.493,63	46,71
a) sunglasses and prescription glasses	73.664,65	0,15
b) bags	6.970.286,40	13,82
c) watches	16.488.152,58	32,68
d) jewellery and other accessories	32.390,00	0,06
6. Mobile phones, parts and implements	58.893,79	0,11
a) mobile phones	12.275,79	0,02
b) parts and implements	46.618,00	0,09
7. Electrical / electronic and computer equipment	217.535,14	0,44
a) audio/video devices including spare parts and implements	3.500,00	0,01
b) memory cards and sticks		
c) toners and inks	53.752,50	0,11

d) computer equipment (hardware) including parts and implements	160.282,64	0,32
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	10.522,20	0,03
a) toys	2.136,00	0,01
b) games (including electronic game consoles)		
c) sports equipment (including leisure time equipment)	8.386,20	0,02
10. Tobacco products	0,00	0,00
a) cigarettes		
b) other tobacco products		
11. Medical products	9.235,00	0,02
12. Other	1.987.074,34	3,93
a) machines and tools	1.475.280,14	2,92
b) vehicles including parts and implements	23.560,00	0,04
c) office supplies	15.552,00	0,03
d) lighters	545,00	0,01
e) labels, stickers	5.273,00	0,01
f) textile products	142.731,00	0,28
g) packaging material	304.538,00	0,60
h) other	19.595,20	0,04
TOTAL	50.448.061,20	100

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

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

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

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

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

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

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

Table 4.1.
Data on the infringements of intellectual property rights in 2011 – State Inspectorate

Infringements of provisions		Number of inspections conducted	Number of indictments and misdemeanour procedures	Value of goods temporary seized goods in EUR
TOTAL		11.212	1.048	234.307
Copyright	Musical and cinematographic works	8.893	136	745
	Computer programs		562	0
	Circulation and reproduction of books		2	0
Total Copyright		8.893	700	745
Industrial Property	Infringements of the trademark provisions	2.252	339	200.335
	Infringements of the patent provisions	2	1	1.689
	Infringements of the industrial design provisions	55	7	31.538
	Infringements of the geographical indications provisions	10	1	0
Total Industrial Property		2.319	348	233.562

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

Chart 4.1.
Data on the infringements of intellectual property rights in 2011 – State Inspectorate

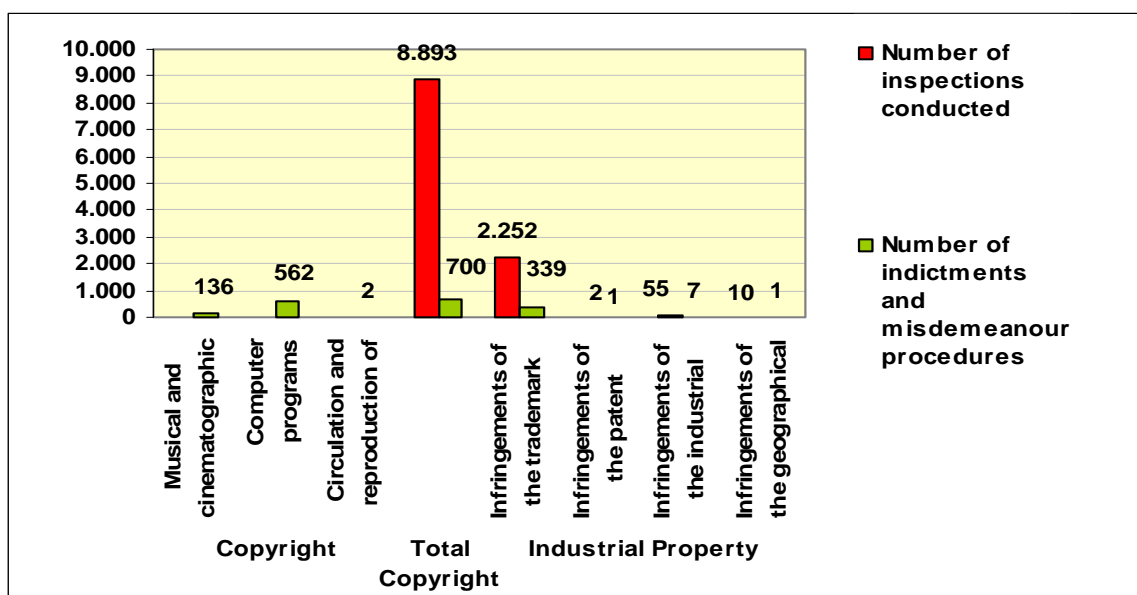


Table 4.2.
Indices – State Inspectorate

	<u>2006.</u> 2005.	<u>2007.</u> 2006.	<u>2008.</u> 2007.	<u>2009.</u> 2008.	<u>2010.</u> 2009.	<u>2011.</u> 2010.
Infringement of the copyright provisions	176	338	296	144	180	110
Infringement of the industrial property provisions	76	62	173	67	114	90
Inspections conducted	80	86	215	103	157	104
Requests for the institution of the misdemeanour procedure	307	128	117	83	147	111

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

Year	Number of inspections	Indictments and misdemeanour procedures instituted under the CRRA		Number of computers as inspected	Number of computers in which a computer program has been installed without the author's authorization	Illegally installed computer programs as found	
		Number	%			Number of computer programs	Value in €
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
2010.	not available	454	-	3.790	511	970	not available
2011.	not available	562	-	4.621	695	1.342	not available

CRRA – Copyright and Related Rights Act

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

Note:

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

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

Year	Number of indictments and/or misdemeanour procedures instituted under the CRRA	Audio and video carriers as temporarily seized	
		Number of pieces	Value in €
2007.	228	3.565	15.020,83
2008.	173	2.969	12.865,63
2009.	163	1.960	7.573,90
2010.	82	1.001	2.735,27
2011.	136	631	744,67

CRRA – Copyright and Related Rights Act

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

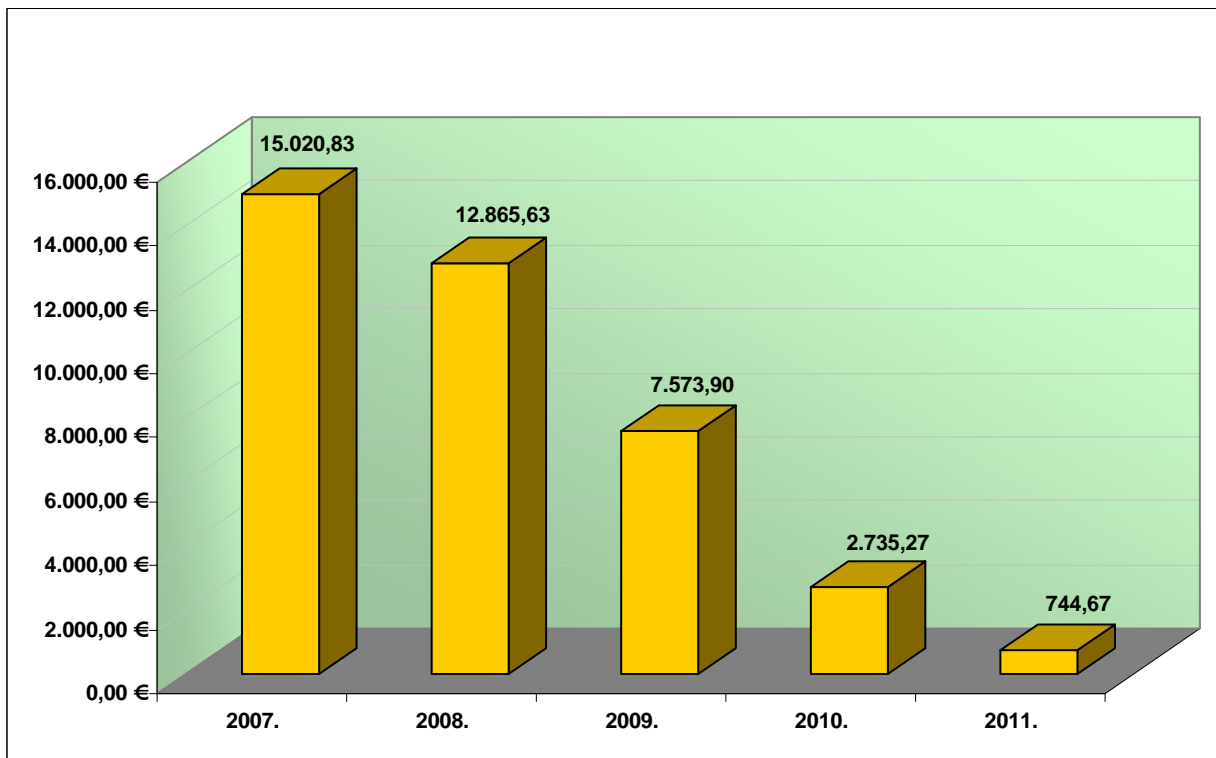


Table 4.5.
Inspections of the circulation and reproduction of books without the author's and publisher's consent - State Inspectorate

Year	Number of inspections	Number of indictments and misdemeanour procedures under the CRRA	Provisionally seized goods - books	
			Number of pieces	Value in €
2007.	77	3	1	10
2008.	67	2	2	15
2009.	94	6	59	403,43
2010.	not available	4	4	15,75
2011.	not available	2	0	0

CRRA – Copyright and Related Rights Act

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

Table 4.6.

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

Year	Number of inspections	Number of indictments and misdemeanour procedures under the TA		Provisionally seized goods	
		Number	%	Number of pieces	Value in €
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
2010.	2.547	415	16,29	11.735	107.559,59
2011.	2.252	339	15,05	41.280	200.334,58

TA –Trademark Act

Chart 4.3.

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

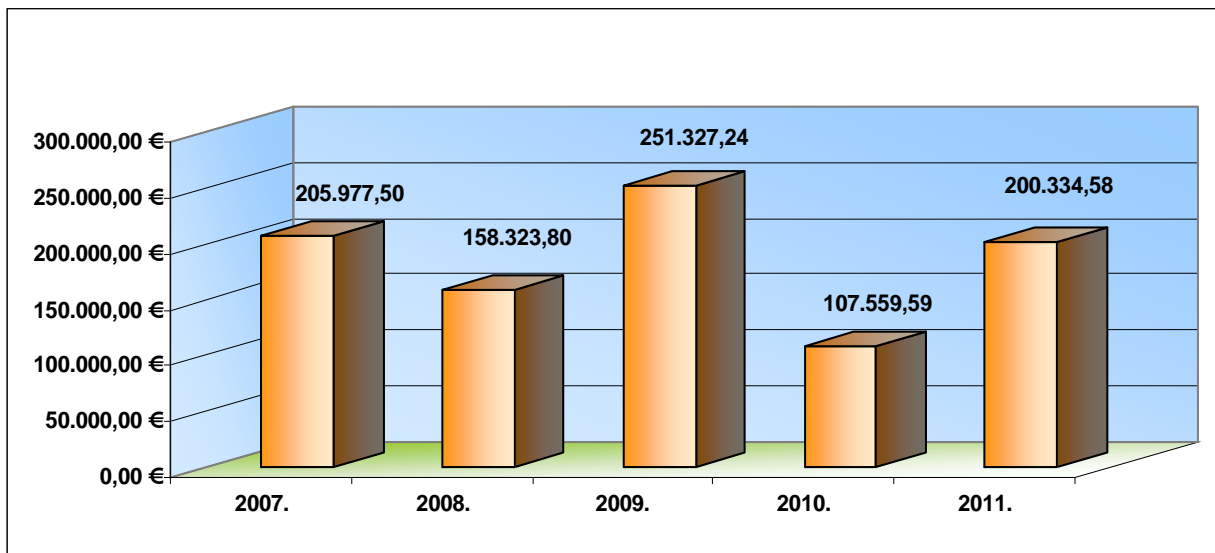


Table 4.7.

The types and number of pieces of provisionally detained goods under the Trademark Act, 2011 – State Inspectorate

TYPE OF GOODS	2011			2012			2013			2014		
	Pieces	%	Value in €	Pieces	%	Value in €	Pieces	%	Value in €	Pieces	%	Value in €
1. Foodstuffs, alcoholic and other beverages	7	0,02	64,52									
a) foodstuffs												
b) alcoholic beverages	7	0,02	64,52									
c) other beverages												
2. Body care products	26	0,06	77,74									
a) perfumes and cosmetics	17	0,04	48,26									
b) other products	9	0,02	29,48									
3. Clothes and clothing accessories	22.375	54,21	125.769,71									
a) clothes	6.149	14,90	100.646,78									
b) clothing accessories	16.226	39,31	25.122,93									
4. Footwear	12.189	29,53	29.295,53									
a) sports footwear	110	0,27	5.822,67									
b) other footwear	12.079	29,26	23.472,86									
5. Personal accessories	1.145	2,77	33.862,12									
a) sunglasses and prescription glasses	361	0,87	2.871,88									
b) bags	687	1,66	30.206,91									

c) watches	93	0,23	735,92									
d) jewellery and other accessories	4	0,01	47,41									
6. Mobile phones, parts and implements	0	0,00	0,00									
a) mobile phones												
b) parts and implements												
7. Electric / electronic and computer equipment	6	0,01	465,34									
a) audio/video devices including parts and implements												
b) memory cards and sticks												
c) toners and inks	6	0,01	465,34									
d) computer programs (hardware) including parts and implements												
e) other equipment including accessories and spare parts												
8. CDs, DVDs, cassettes and other data carriers	0	0,00	0,00									
a) recorded (music, film, programs, games)												
b) unrecorded												
9. Toys, games and sports equipment	4.921	11,92	3.739,86									
a) toys	4.896	11,86	3.617,37									

b) games (including electronic game consoles)	15	0,04	36,00									
c) sports equipment (including leisure time equipment)	10	0,02	86,49									
10. Tobacco products	0	0,00	0,00									
a) cigarettes												
b) other tobacco products												
11. Medical products	0	0,00	0,00									
12. Other	611	1,48	7.044,66									
a) machines and tools												
b) vehicles, including parts and implements												
c) office supplies	1											
d) lighters												
e) labels, stickers												
f) textile products	49	0,12	454,70									
g) packaging material												
h) other	561	1,36	6.589,96									
TOTAL	41.280	100,00	200.319,48									

Chart 4.4.
Proportion of the particular types of provisionally detained goods under the Trademark Act in 2011 – State Inspectorate

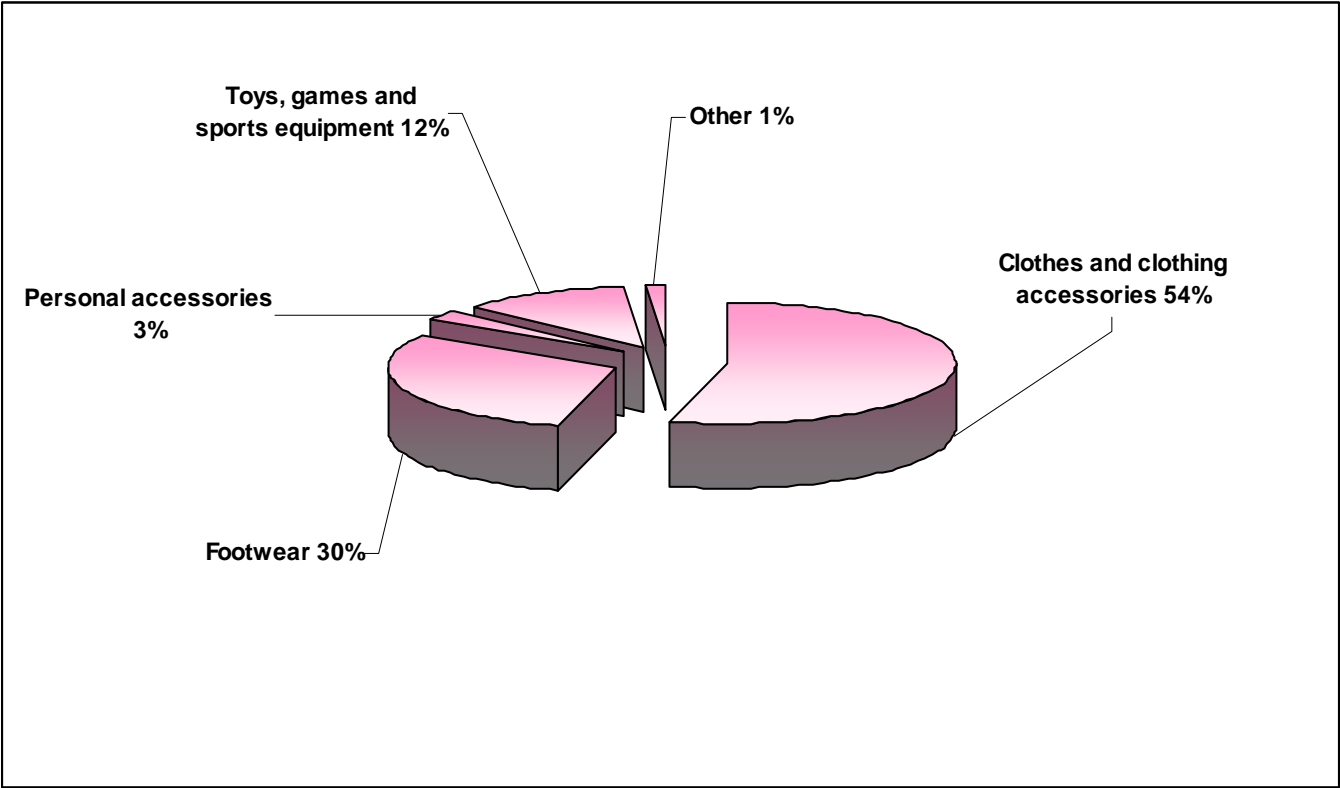


Table 4.8.
Inspections relating to the circulation of products made according to a protected invention – State Inspectorate

Year	Number of inspections	Indictments brought under the PA	Provisionally seized goods	
			Number of pieces	Value in €
2007.	1	0	0	0,00
2008.	1	0	0	0,00
2009.	1	0	0	0,00
2010.	1	0	0	0,00
2011.	2	1	0	1.689,05

PA – Patent Act

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

Year	Number of inspections	Number of indictments and misdemeanour procedures under the IDA	Provisionally seized goods	
			Number of pieces	Value in €
2007.	3	0	0	0,00
2008.	7	4	282	1.905,40
2009.	32	3	16	71,87
2010.	41	2	2	120,54
2011.	55	7	-	31.537,92

IDA – Industrial Design Act

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

Year	Number of inspections	Misdemeanours identified in accordance with FA/ADOGIDTRAFP (from 2009)	Provisionally seized goods	
			Number of pieces	Value in €
2007.	0	0	0	0,00
2008.	621	14	0	1.380,26
2009.	42	0	0	0,00
2010.	90	0	0	0,00
2011.	10	1	0	0,00

FA – Act of Food

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

5. MINISTRY OF THE INTERIOR - DATA ON THE NUMBER OF FILED CRIMINAL COMPLAINTS

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

Since 1 January 2011, the Ministry of the Interior has been collecting and maintaining the statistics on the number of committed criminal offences and the number of perpetrators of such criminal offenses.

Data on the number and type of the temporarily seized products in the respective criminal proceedings are also presented.

Table 5.1.
Data on the infringements of intellectual property rights, 2008-2011
- Ministry of the Interior

Criminal offences		Number of criminal offences reported against known perpetrators				
		Year				
		2008	2009	2010	2011.*	
Criminal offences	Reported persons					
Infringements of copyrights	Infringements of the rights of authors or of the rights of performers, Article 229 CC	0	2	1	0	0
	Unauthorized use of an author's work or of a performer's performance, Article 230 CC	247	112	129	192	106
	Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	31	12	18	81	2
Total copyrights		278	126	148	273	108
Infringements of industrial property rights	Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	2	0	5	2	3
	Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	112	100	86	138	70
	Total industrial property rights	114	100	91	140	73
TOTAL		392	226	239	413	181

* Sins 1 January.2011. reported data on the number of criminal offences and number of persons reported

Chart 5.1.
Data on the infringements of intellectual property rights, 2011
- Ministry of the Interior

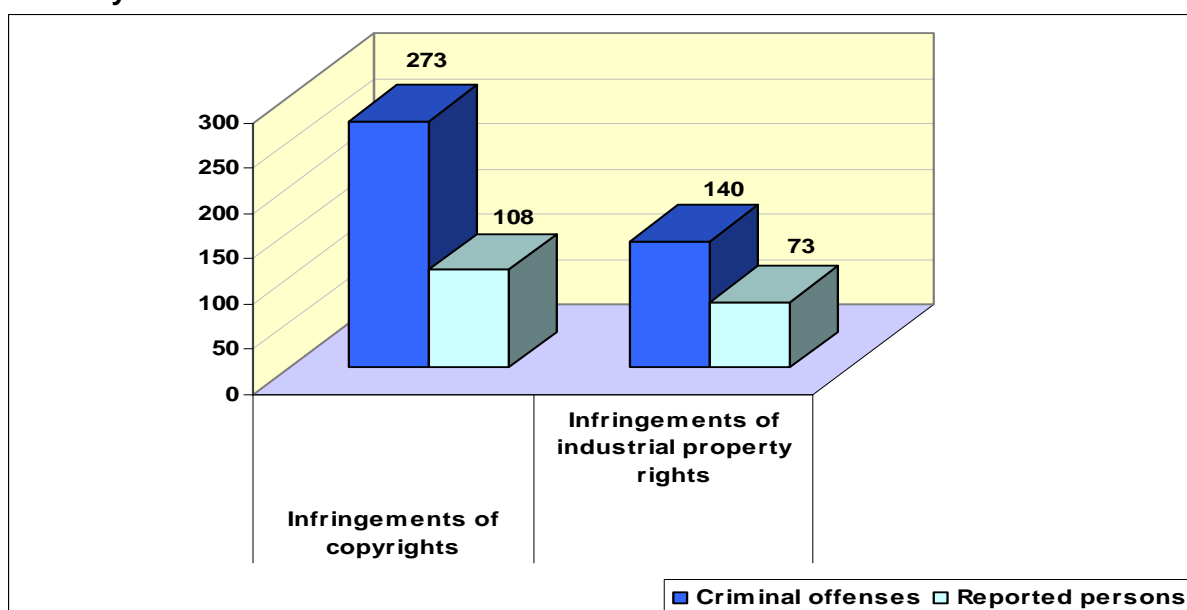


Table 5.2.
Data on the infringements of intellectual property rights, 2011
- Ministry of interior

Product Type	2011.		2012.		2013.		2014.	
	Number of products	%	Number of products	%	Number of products	%	Number of products	%
1. Foodstuffs, alcoholic and other beverages	0	0,0						
a) foodstuffs								
b) alcoholic beverages								
c) other beverages								
2. Body care products	1	0,01						
a) perfumes and cosmetics	1	0,01						
b) other products								
3. Clothes and clothing accessories	2.835	26,6						
a) clothes	2.764	25,8						
b) clothing accessories	89	0,8						
4. Footwear	2.596	24,3						
a) sports footwear	2.424	22,7						
b) other footwear	172	1,6						
5. Personal accessories	1.062	9,95						
a) sunglasses and prescription glasses	450	4,22						

b) bags	153	1,43						
c) watches	47	0,44						
d) jewellery and other accessories	412	3,86						
6. Mobile phones, parts and implements	1	0,01						
a) mobile phones	1	0,01						
b) parts and implements								
7. Electric / electronic and computer equipment	37	0,32						
a) audio/video devices including parts and implements	3	0,02						
b) memory cards and sticks	3	0,02						
c) toners and inks								
d) computer programs (hardware) including parts and implements	26	0,24						
e) other equipment including accessories and spare parts	5	0,04						
8. CDs, DVDs, cassettes and other data carriers	4.123	38,64						
a) recorded (music, film, programs, games)	2.246	21,05						
b) unrecorded	1.877	17,59						
9. Toys, games and sports equipment	13	0,12						

a) toys								
b) games (including electronic game consoles)	13	0,12						
c) sports equipment (including leisure time equipment)								
10. Tobacco products	0	0,00						
a) cigarettes								
b) other tobacco products								
11. Medical products	0	0,00						
12. Other	1	0,01						
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	1	0,01						
TOTAL	10.669	100,00						

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

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

A certain number of reports with the state attorney offices have been directly filed by natural and legal persons (the largest number of reports of criminal offenses comprising the infringement of intellectual property rights has been filed by the Ministry of the Interior).

Table 6.1.
Decisions by state attorney offices concerning criminal complaints relating to criminal offences infringing intellectual property, 2011
- State Attorney Office

	Reported total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Investigation	Indictment filed	Total pending cases*	
TOTAL	337	325	206	54	8	144	110	1

Chart 6.1.
The types of decisions issued from 2011 - State Attorney Office

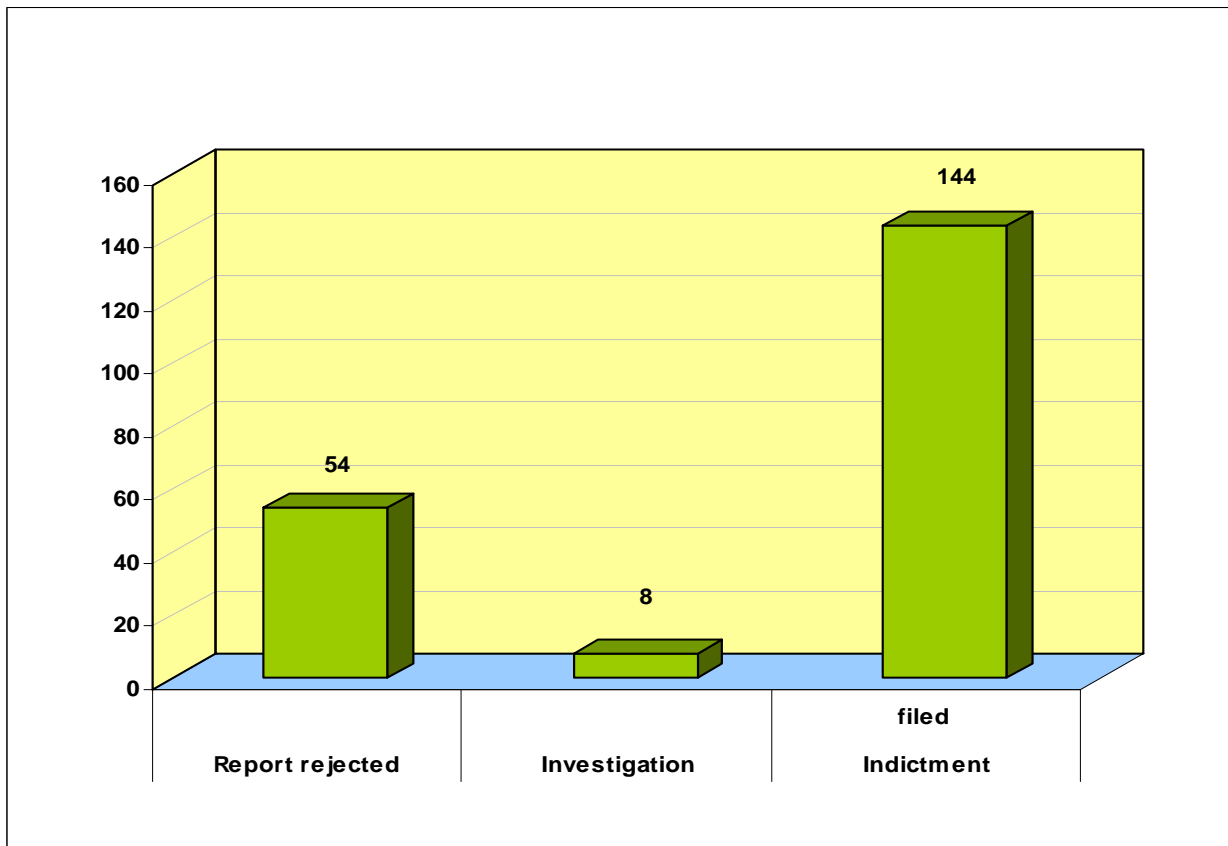


Table 6.2.

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

	Reported total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Investigation	Indictment filed	Total pending cases*	
2002.	3		3	1	1	1		0
2003.	4		3	2	0	1		0
2004.	6		4	4	0	0		0
2005.	3		3	3	0	0		0
2006.	6		6	3	0	3		0
2007.	8		8	4	0	4		0
2008.	2		2	0	0	2		0
2009.	2		1	0	0	0		1
2010.	9		9	0	0	0		0
2011.	10	1	5	4	0	1	5	0

Table 6.3.

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

	Reported total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Investigation	Indictment filed	Total pending cases*	
2002.	410		381	84	0	297		29
2003	435		403	49	0	354		32
2004.	404		394	52	0	342		10
2005.	324		317	45	0	272		7
2006.	354		327	55	0	272		27
2007.	266		249	52	0	197		17
2008.	264		264	54	0	225		0
2009.	132		132	17	0	95		0
2010.	124		123	9	0	41		1
2011.	186	131	131	30	5	95	55	0

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

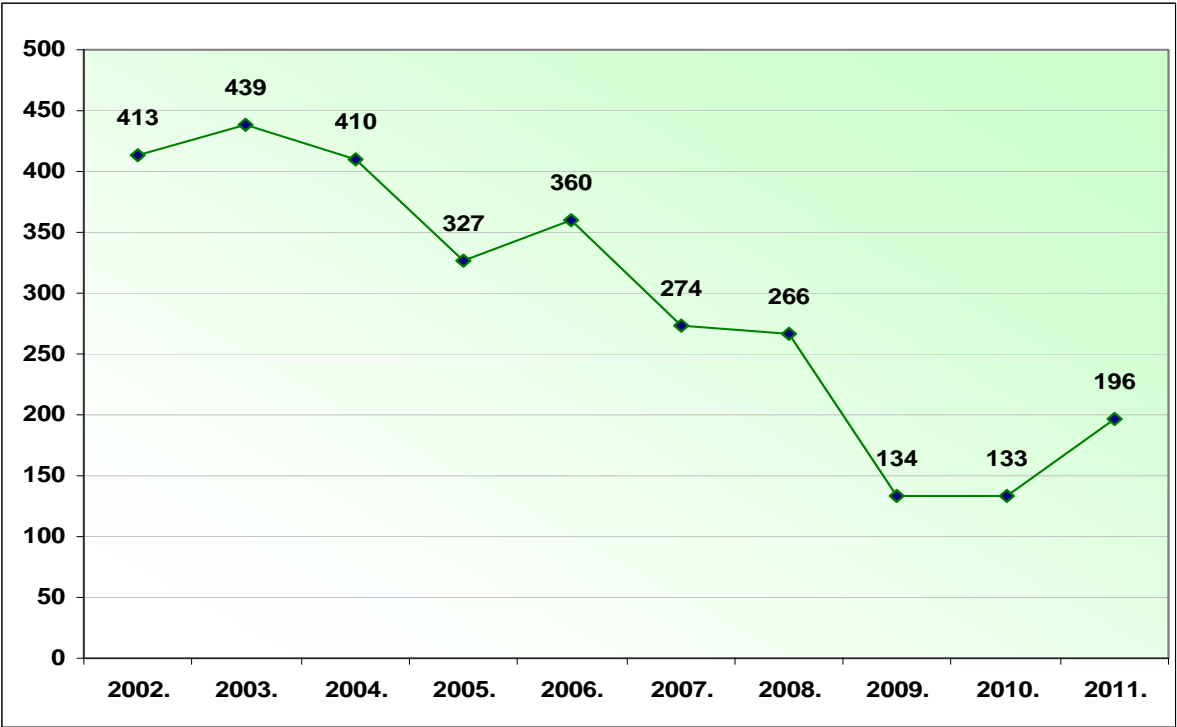


Chart 6.3.
Trends of criminal complaints rejections concerning the infringements of copyright (aggregate data of Tables 6.2. and 6.3.) – State Attorney Office

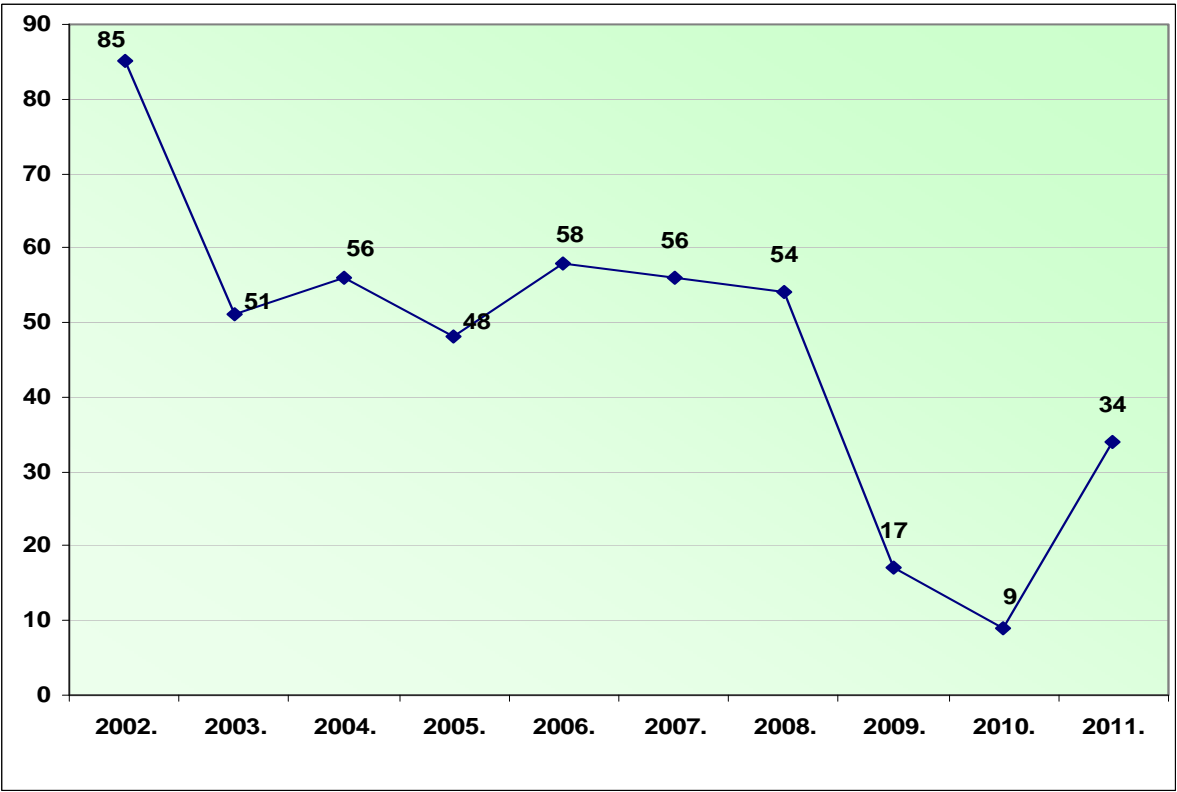


Chart 6.4.
Trends of indictments filed against copyright infringement (the aggregate data of Tables 6.2. and 6.3.) – State Attorney Office

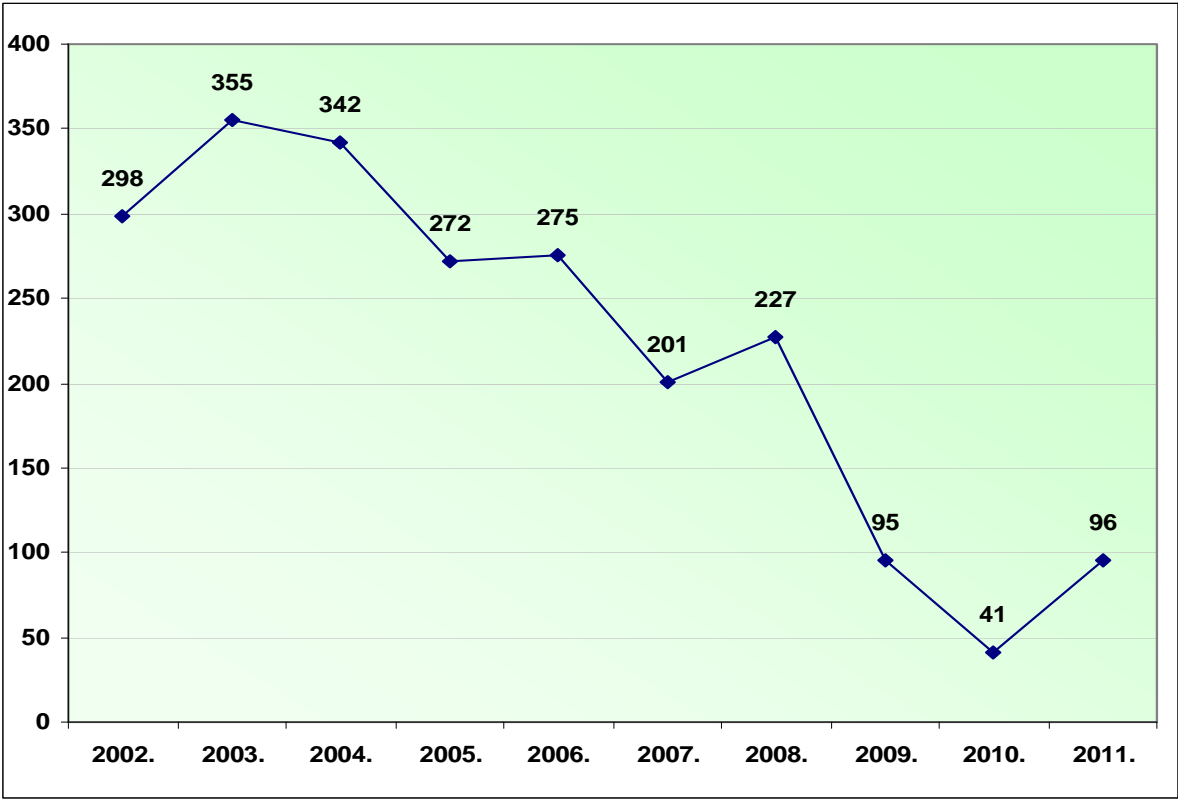


Table 6.4.

Reported adult persons according to legal form of decisions taken on a criminal offence -Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC - State attorney's office

	Reported total	Of these reported by MOI*	Known offenders				Unknown offenders
			Total cases closed	Report rejected	Investigation	Indictment filed	
2002.	9		5	0	0	5	4
2003.	5		5	1	0	4	0
2004.	16		14	3	0	11	2
2005.	3		3	0	0	3	0
2006.	18		18	3	0	15	0
2007.	12		12	1	0	11	0
2008.	14		14	1	0	13	0
2009.	1		1	0	0	1	0
2010.	8		8	1	0	4	0
2011.	40	25	18	4	0	14	22

Chart 6.5.

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

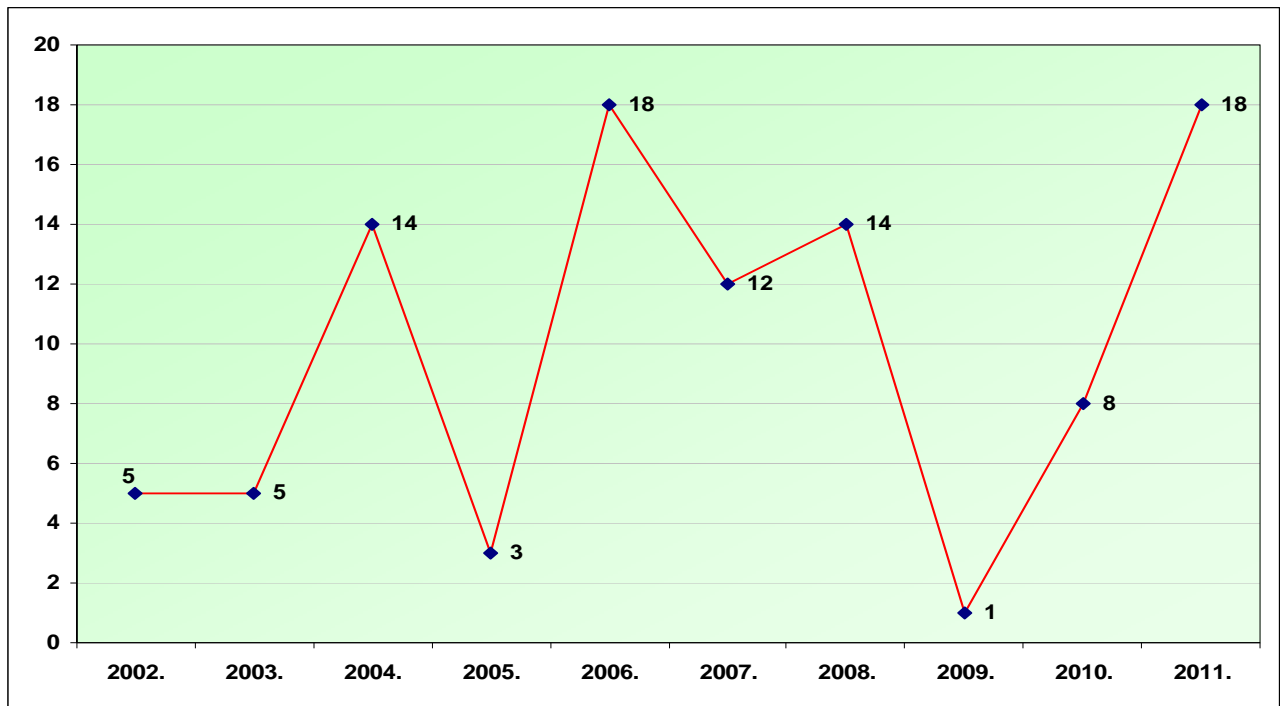


Table 6.5.
Trends of adult persons reported for criminal offence: Infringement of the right conferred by an invention applied for or protected, Art. 232 CC, - State Attorney Office

	Reported total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Investigation	Indictment filed	Total pending cases*	
2002.	0		0	0	0	0		0
2003.	1		1	1	0	0		0
2004.	11		11	11	0	0		0
2005.	1		1	1	0	0		0
2006.	5		5	5	0	0		0
2007.	4		4	0	0	4		0
2008.	0		0	0	0	0		0
2009.	0		0	0	0	0		0
2010.	0		0	0	0	0		0
2011.	4	0	0	0	0	0	4	0

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

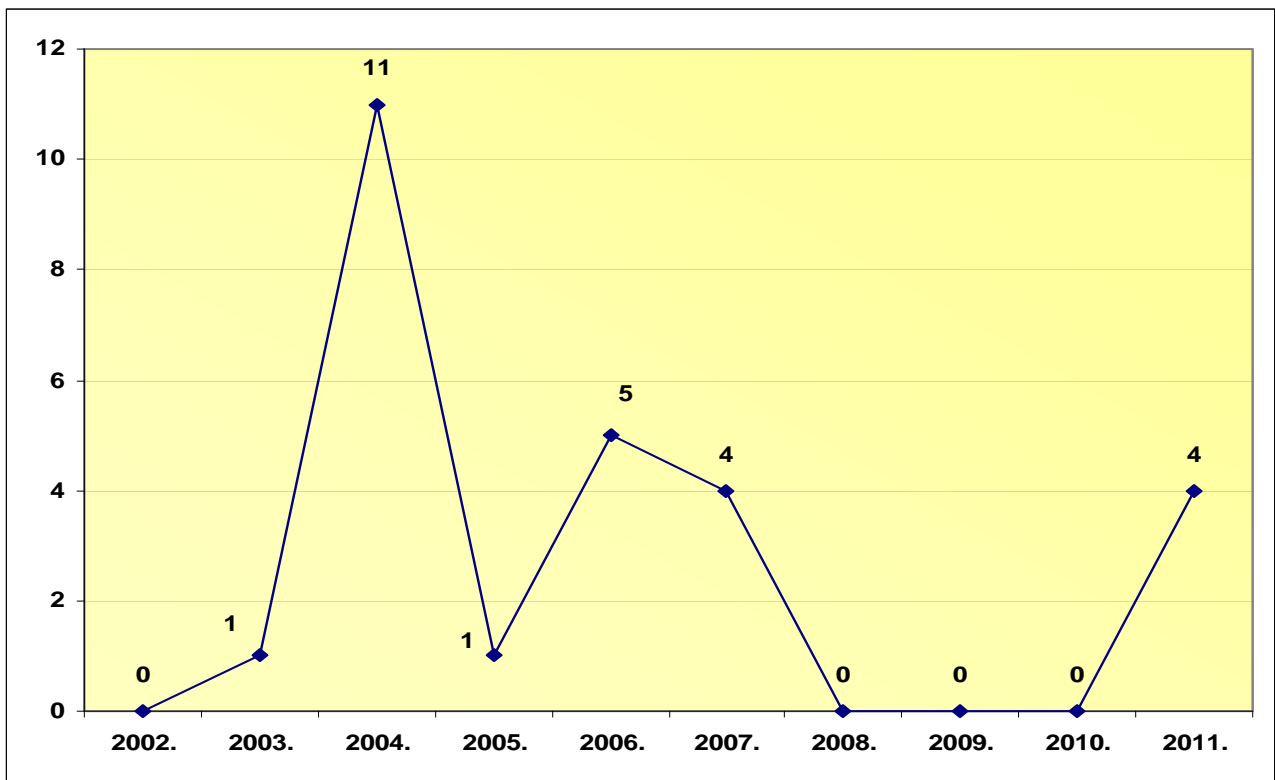


Table 6.6.
Adult persons reported according to legal form of decisions on a criminal offence:
Infringement of the industrial property rights and an unauthorized use of another
person's property, Art. 285 CC - State Attorney Office

	Reported total	Of these reported by MOI*	Known offenders				Unknown offenders
			Total cases closed	Report rejected	Investigation	Indictment filed	
2002.	9		9	3	0	6	0
2003.	20		18	7	0	11	2
2004.	35		35	13	0	22	0
2005.	71		69	7	0	62	2
2006.	133		131	16	0	115	2
2007.	122		117	16	0	101	5
2008.	130		130	28	0	102	0
2009.	31		26	4	0	22	5
2010.	13		13	0	0	6	0
2011.	97	68	51	16	3	34	44

Chart 6.7.
Trends of adult persons reported for criminal offences - Infringement of industrial
property rights and an unauthorized use of another person's property
- State Attorney Office

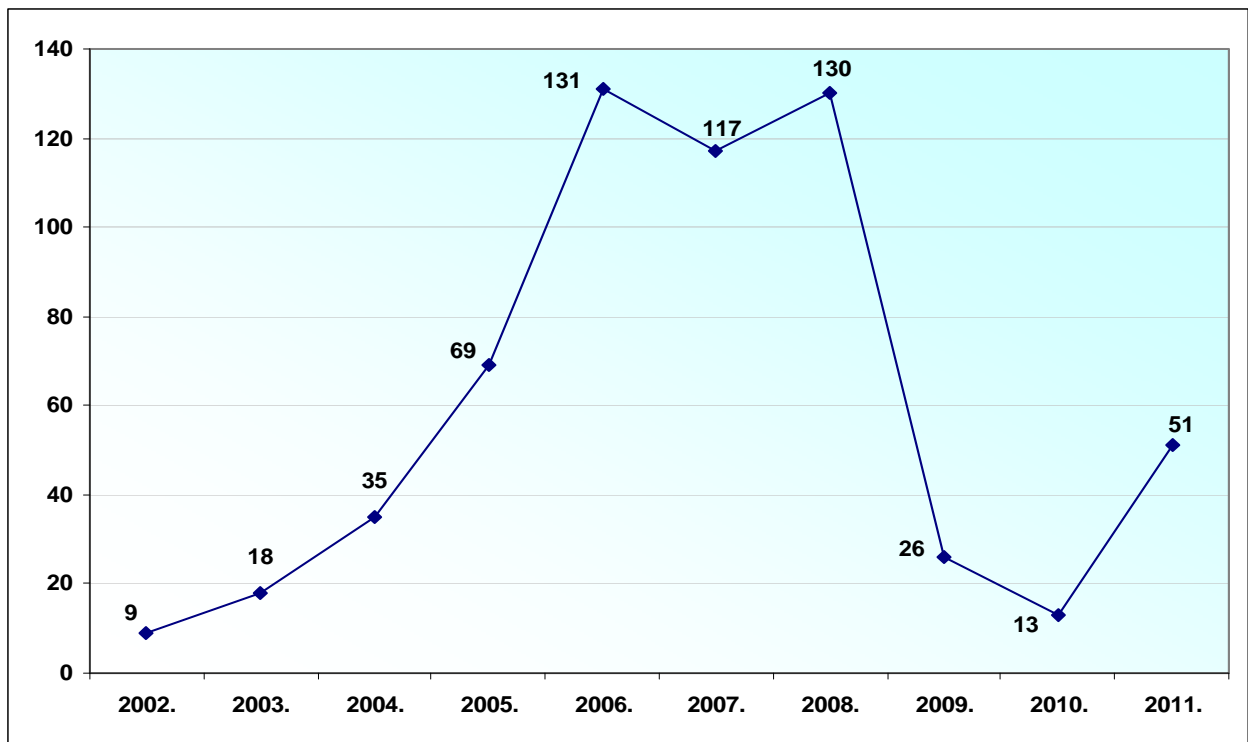


Chart 6.8.
Trends in rejecting criminal complaints for the infringements of industrial property rights - State Attorney Office

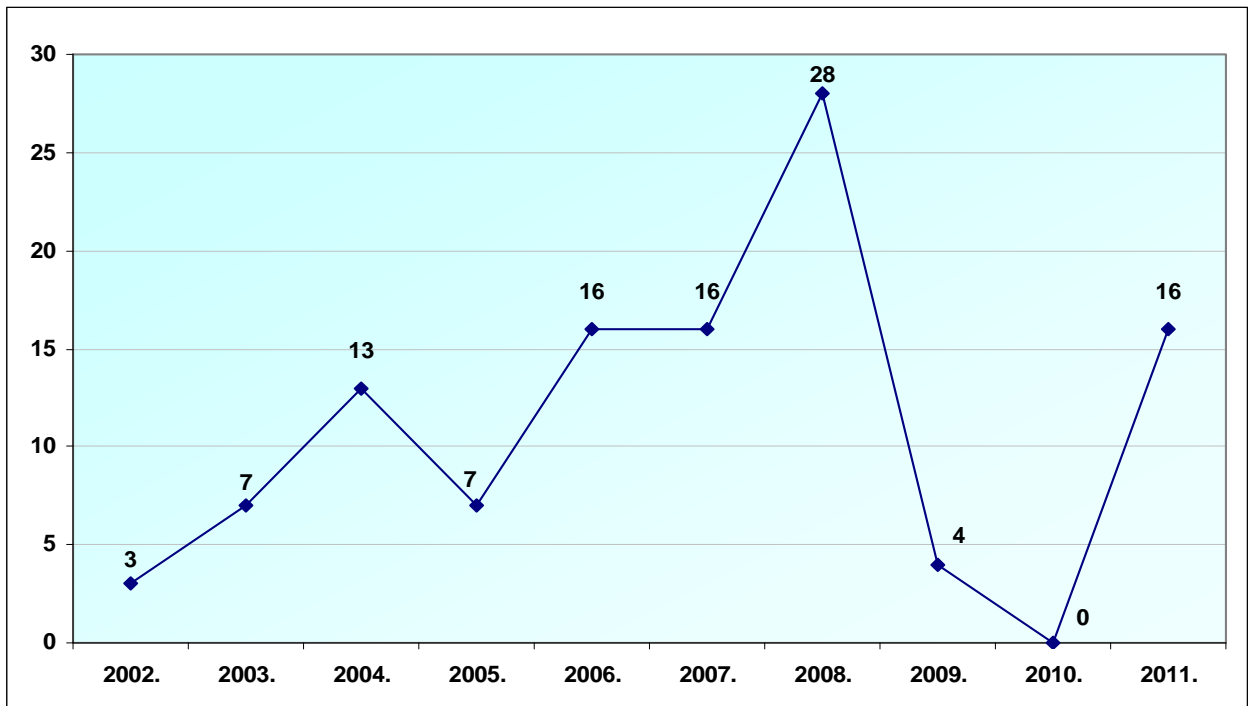


Chart 6.9.
Trends of indictments filed against the infringements of industrial property rights - State Attorney Office

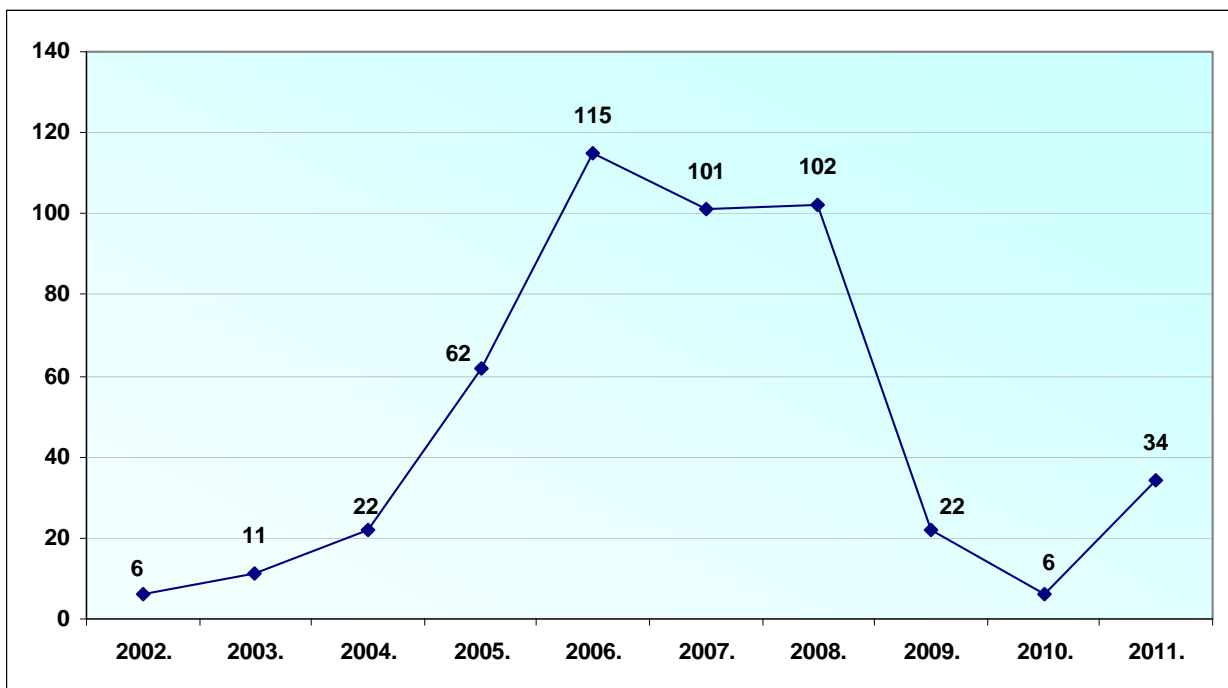


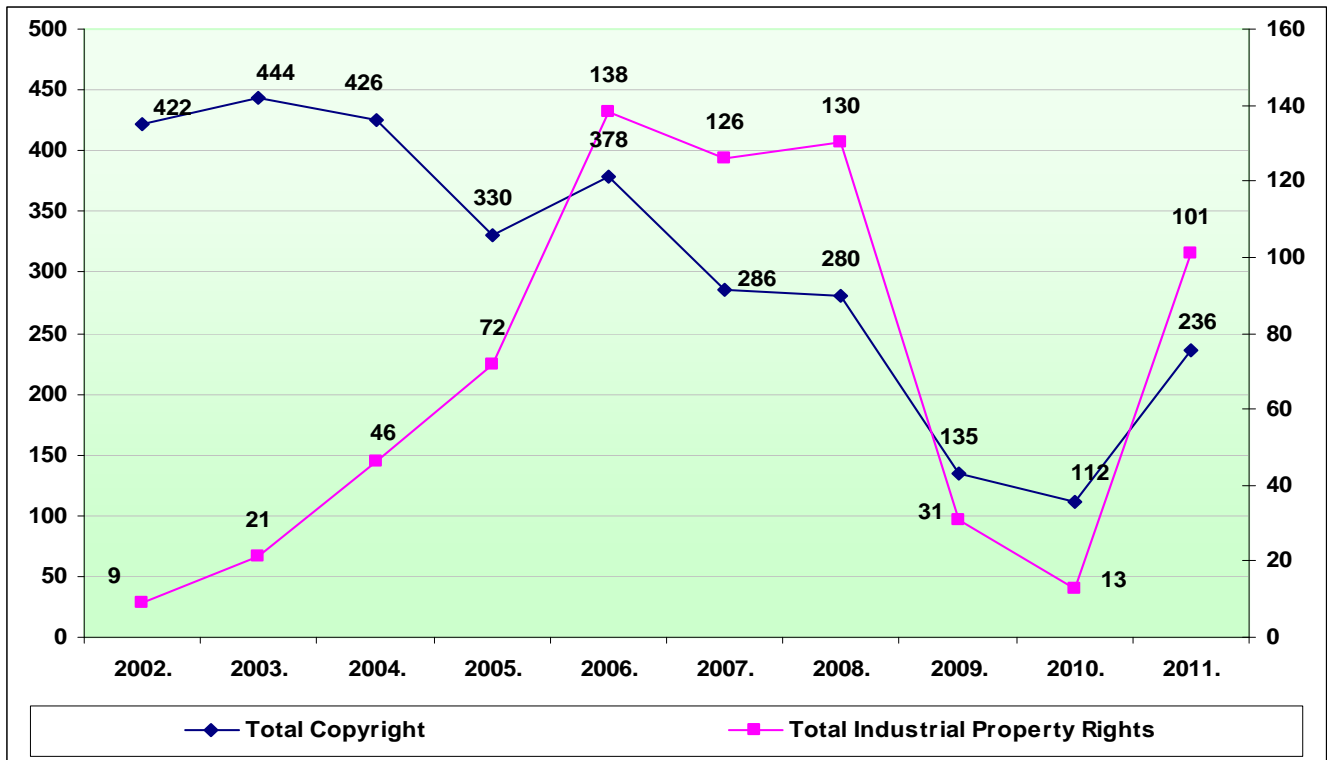
Table 6.7.

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

Criminal offences		Year									
		2002.	2003.	2004.	2005.	2006.	2007.	2008.	2009.	2010.	2011.
Copyright	Art. 229 CC	3	4	6	3	6	8	2	2	9	10
	Art. 230 CC	410	435	404	324	354	266	264	132	95	186
	Art. 231 CC	9	5	16	3	18	12	14	1	8	40
Total Copyright		422	444	426	330	378	286	280	135	112	236
Industrial Property	Art. 232 CC	0	1	11	1	5	4	0	0	0	4
	Art. 285 CC	9	20	35	71	133	122	130	31	13	97
Total Industrial Property Rights		9	21	46	72	138	126	130	31	13	101
TOTAL		431	465	474	402	516	412	310	166	125	337

Chart 6.10.

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



7. CRIMINAL COURTS - DECISIONS

7.1. Criminal Law Sanctions

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

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

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

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

Table 7.1.0.**Data on the legal forms of judicial decisions concerning offenders – criminal offences of infringing intellectual property rights in 2011**

	Persons accused Total	Persons found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL	135	105	10	11	8	0
Infringements of the authors' or of the performers' rights, Article 229 CC	2	1	0	1	0	0
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	79	58	8	6	7	0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	18	12	0	3	1	0
Total Copyright	99	71	8	10	8	0
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	1	0	1	0	0	0
Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	35	34	1	1	0	0
Total Industrial property	36	34	2	1	0	0

Table 7.1.1.
Court decisions on criminal offences concerning the infringement of intellectual property rights, 2011

Accused Total	Found guilty	Not found guilty			
		Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
135	105	10	11	8	0

Chart 7.1.1.
Legal forms of decisions concerning all infringements of intellectual property rights, 2011 - Criminal courts

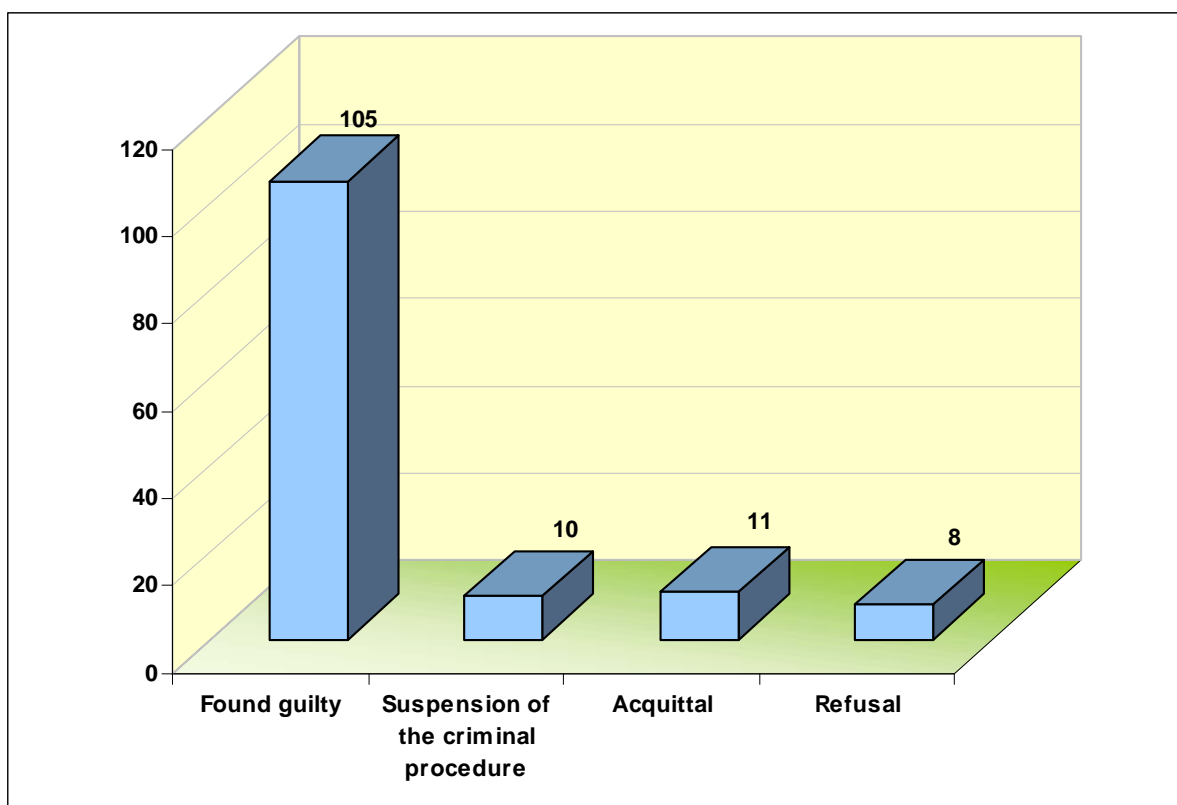


Table 7.1.2.

Adult persons accused according to legal forms of decision on a criminal offence concerning the infringement of the rights of authors or the rights of performers, Art. 229 CC - Court decisions

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
2002.	0	0	0	0	0	0
2003.	2	1	0	1	0	0
2004.	1	0	1	0	0	0
2005.	2	0	2	0	0	0
2006.	2	1	0	0	1	0
2007.	5	0	4	1	0	0
2008.	2	2	0	0	0	0
2009.	2	2	0	0	0	0
2010.	1	0	1	0	0	0
2011.	2	1	0	1	0	0

Chart 7.1.2.

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

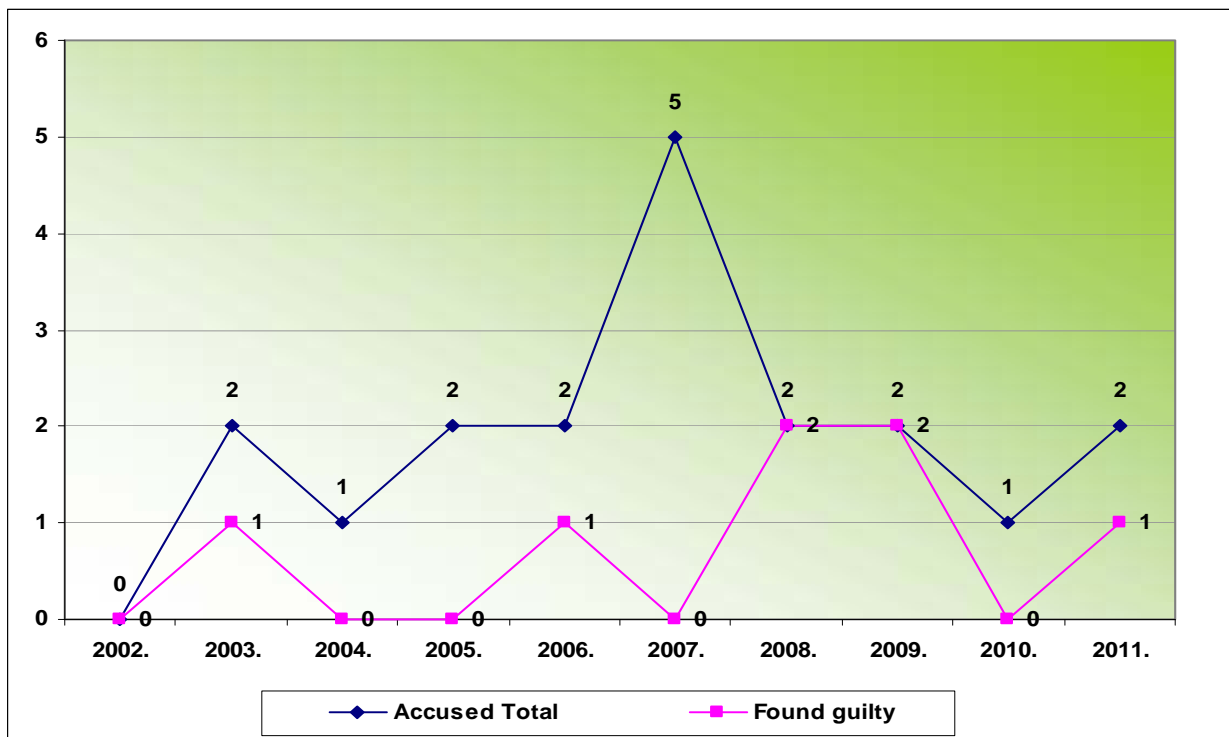


Table 7.1.3.

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

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
2002.	429	394	12	13	10	0
2003.	363	310	27	14	12	0
2004.	308	236	35	13	24	0
2005.	313	222	25	27	39	0
2006.	357	248	54	33	22	0
2007.	265	194	29	22	20	0
2008.	280	226	20	19	15	0
2009.	208	166	18	17	6	1
2010.	140	115	15	5	5	0
2011.	79	58	8	6	7	0

Chart 7.1.3.

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

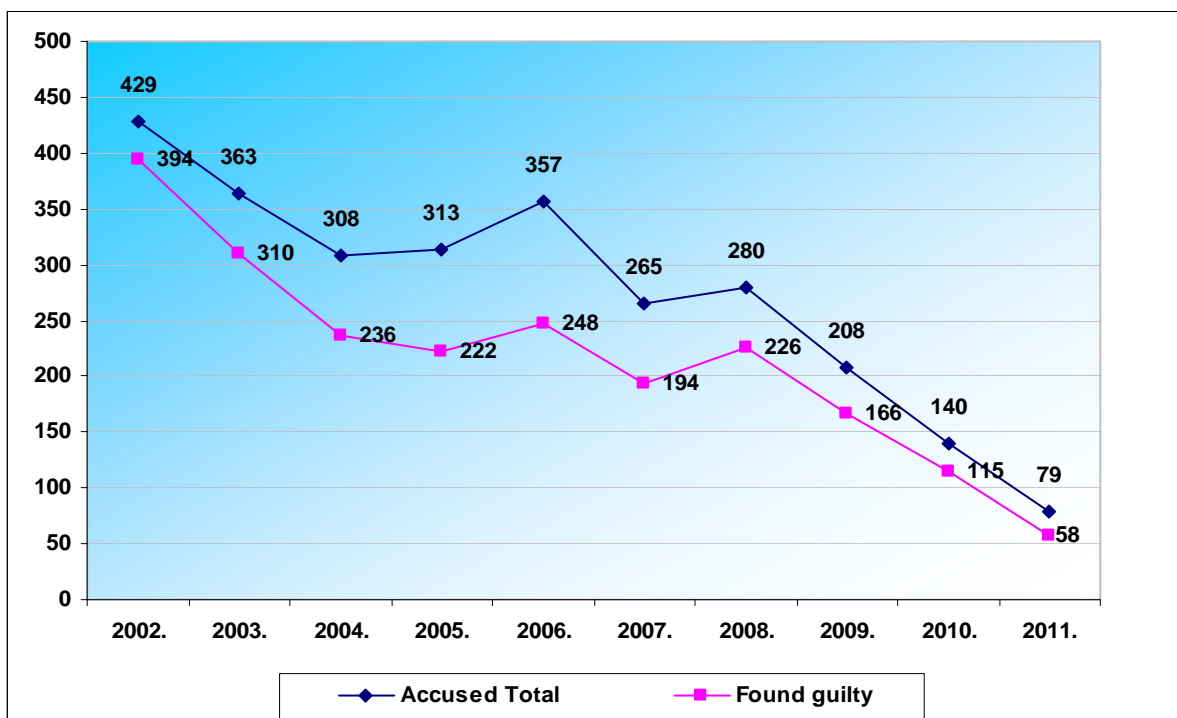


Table 7.1.4.

Adult persons accused according to the legal forms of decision on a criminal offence: Infringements of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC - Court decisions

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
2002.	9	9	0	0	0	0
2003.	0	0	0	0	0	0
2004.	2	2	0	0	0	0
2005.	6	2	4	0	0	0
2006.	10	7	1	0	2	0
2007.	16	14	2	0	0	0
2008.	13	8	2	0	3	0
2009.	12	8	2	1	1	0
2010.	21	18	0	2	1	0
2011.	18	12	0	3	1	0

Chart 7.1.4.

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

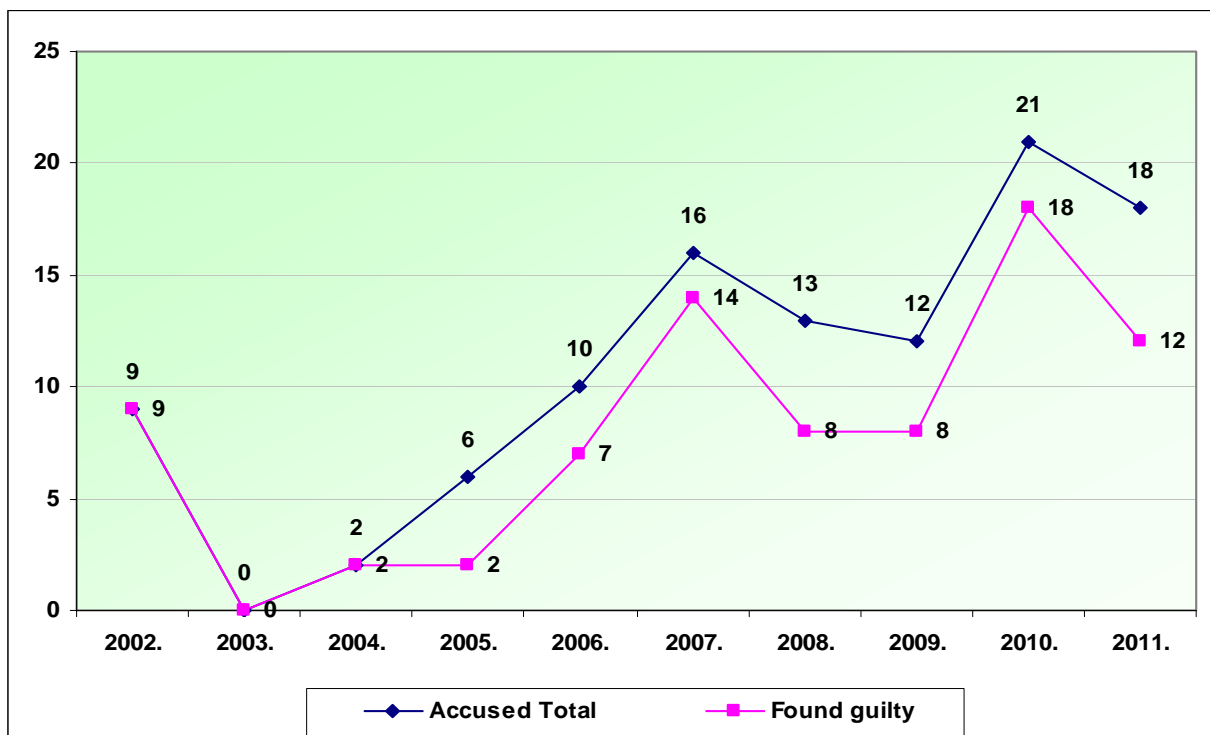


Table 7.1.5.

**Adult persons accused according to the legal forms of decision on a criminal offence
Infringements of the rights conferred by an invention applied for or protected, Art. 232
CC - Court decisions**

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
2002.	1	1	0	0	0	0
2003.	1	0	1	0	0	0
2004.	0	0	0	0	0	0
2005.	0	0	0	0	0	0
2006.	1	0	1	0	0	0
2007.	4	4	0	0	0	0
2008.	2	2	0	0	0	0
2009.	3	1	1	0	1	0
2010.	1	1	0	0	0	0
2011.	1	0	1	0	0	0

Chart 7.1.5.

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

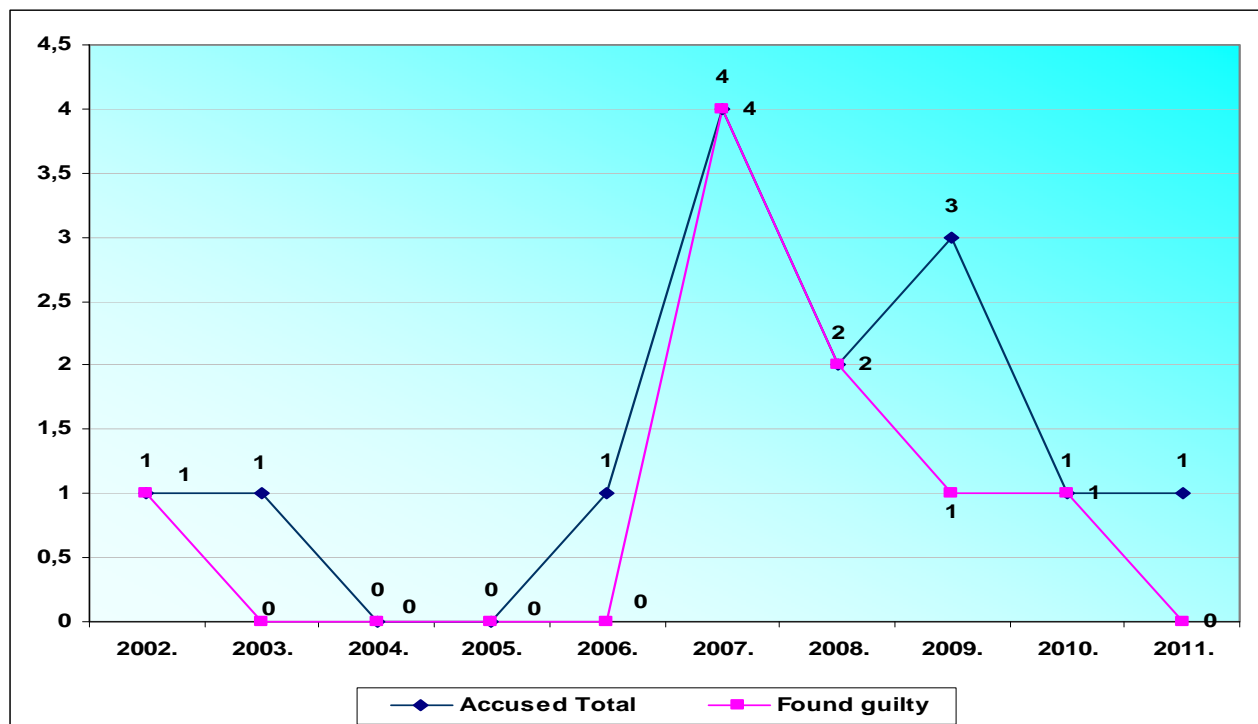


Table 7.1.6.

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

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
2002.	25	12	8	3	2	0
2003.	16	9	3	4	0	0
2004.	14	8	3	0	3	0
2005.	35	33	1	1	0	0
2006.	94	88	1	3	2	0
2007.	103	96	2	3	2	0
2008.	92	79	4	4	5	0
2009.	126	118	4	3	1	0
2010.	76	69	1	6	0	0
2011.	35	34	1	1	0	0

Chart 7.1.6.

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

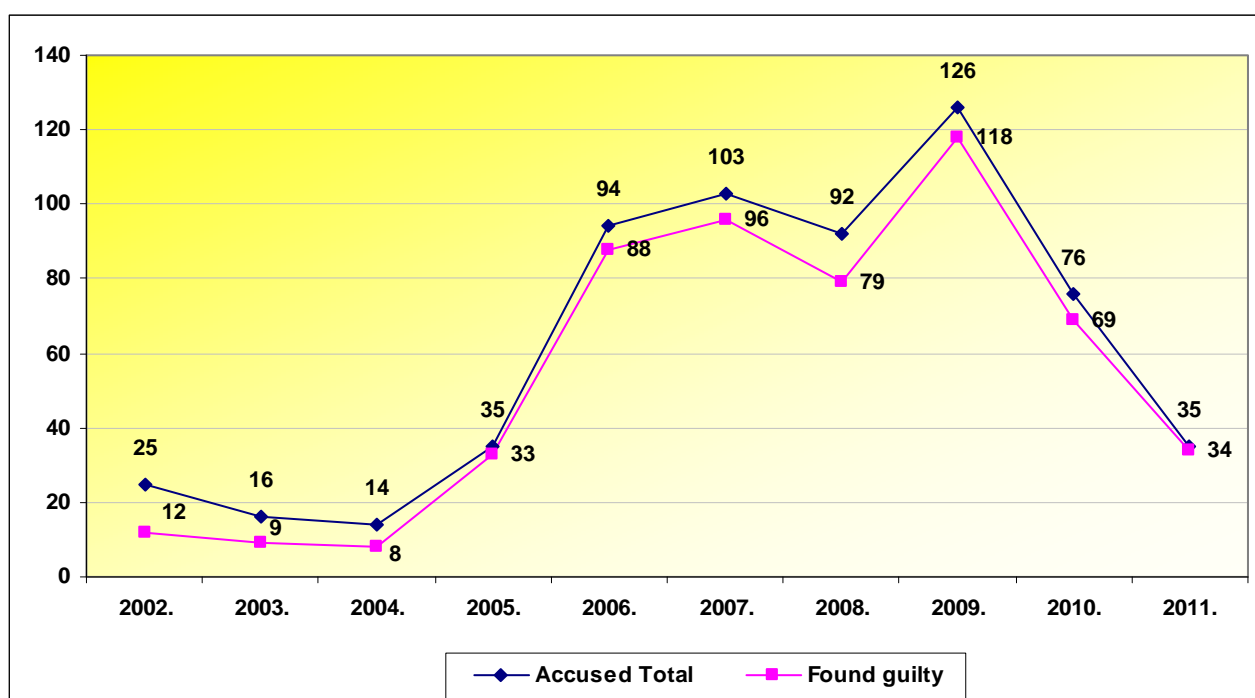


Table 7.1.7.

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

	Unconditional imprisonment						Conditional imprisonment						
	Total	6-12 months	3-6 months	2-3 months	1-2 months	30 days	Total	1-2 years	6-12 months	3-6 months	2-3 months	1-2 months	30 days
2002.	0	0	0	0	0	0	89	0	6	30	27	14	12
2003.	0	0	0	0	0	0	120	2	14	38	42	15	9
2004.	3	1	1	1	0	0	118	1	16	38	37	12	14
2005.	2	1	1	0	0	0	119	2	24	40	38	8	7
2006.	1	1	0	0	0	0	147	5	29	49	43	13	8
2007.	1	0	0	0	0	1	122	4	19	43	36	14	6
2008.	4	0	3	1	0	0	151	7	29	54	35	15	11
2009.	7	1	4	2	0	0	116	18	38	39	14	4	3
2010.	4	2	1	0	0	1	76	16	23	26	8	2	1
2011.	3	0	3	0	0	0	41	17	13	5	3	2	1

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

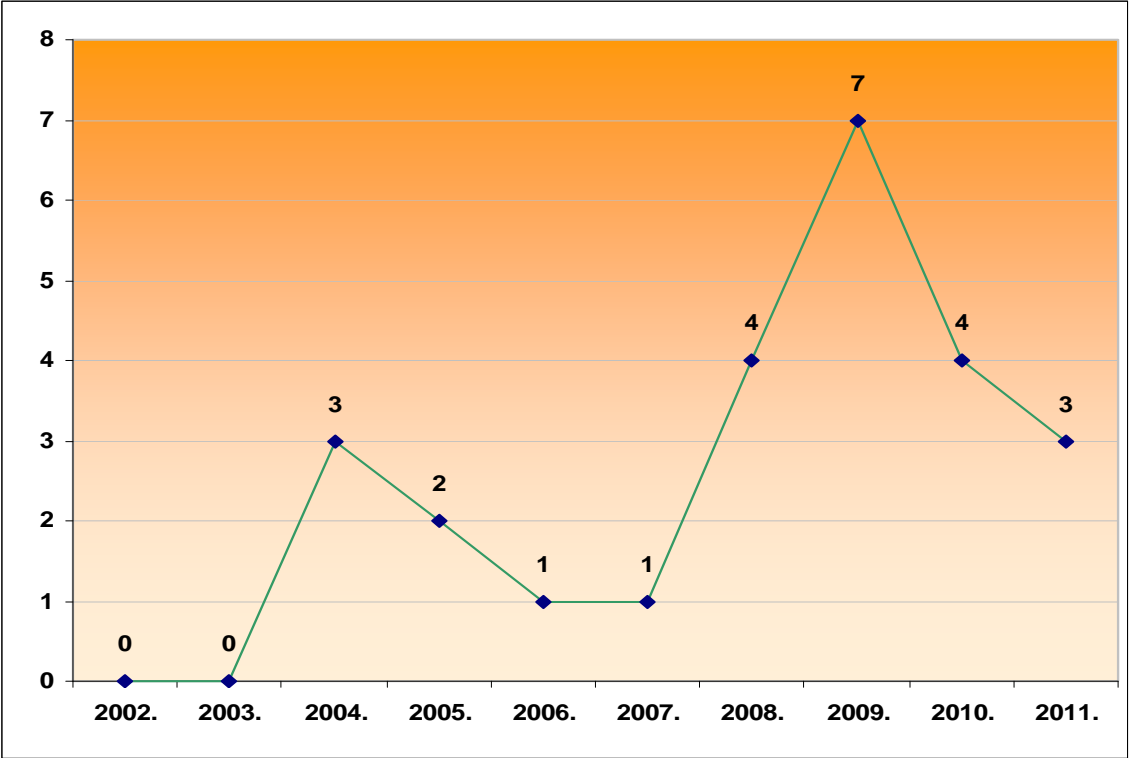


Chart 7.1.8.
Conditional imprisonments for criminal offences Infringements of copyright – pirated copies

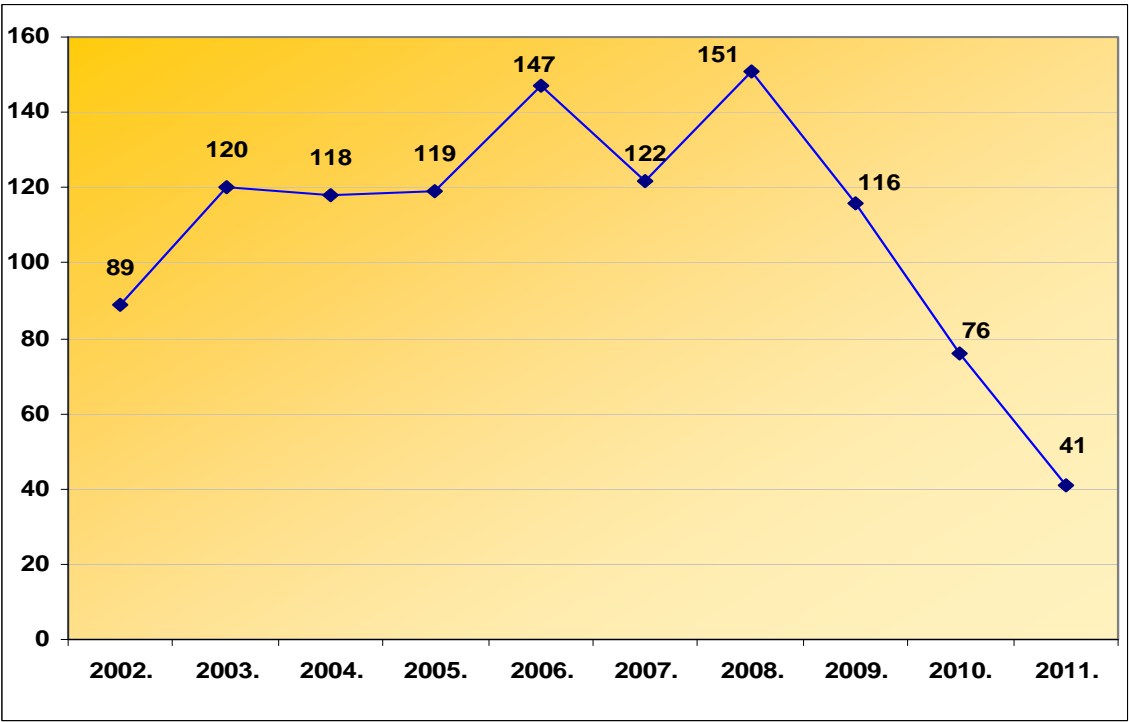


Table 7.1.8.

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

	Unconditional fine (expressed in daily incomes)					Conditional fine (expressed in daily incomes)					Other sanctions		
	Total	10 to 25	51 to 75	76 to 100	101 to 150	Total	10 to 25	26 to 50	51 to 75	76 to 100	Judicial admonition	Educational measures	Suspension of juvenile prison
2002.	279	243	2	3	0	18	14	4	0	0	8	0	0
2003.	165	100	5	4	0	10	6	3	0	1	13	2	0
2004.	101	58	3	2	0	7	4	3	0	0	6	1	0
2005.	90	49	2	5	0	3	2	0	0	1	6	2	0
2006.	92	47	2	7	1	3	0	2	1	0	4	0	1
2007.	64	29	5	5	1	5	1	1	2	1	2	0	0
2008.	65	30	31	1	3	4	1	3	0	0	2	0	0
2009.	35	29	5	1	0	7	3	3	0	1	1	0	0
2010.	43	35	6	2	0	4	3	1	0	0	0	0	0
2011.	14	10	4	0	0	0	0	0	0	0	0	0	0

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

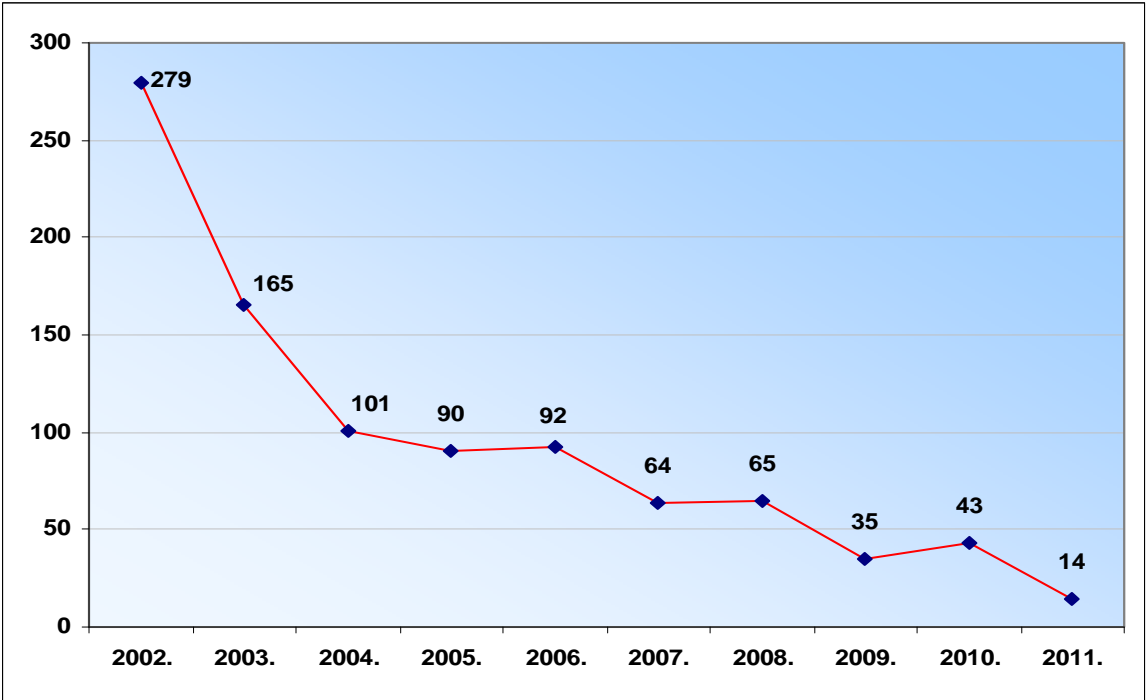


Chart 7.1.10.
Conditional fines (expressed in daily income) for criminal offences Infringements of copyright – pirated copies

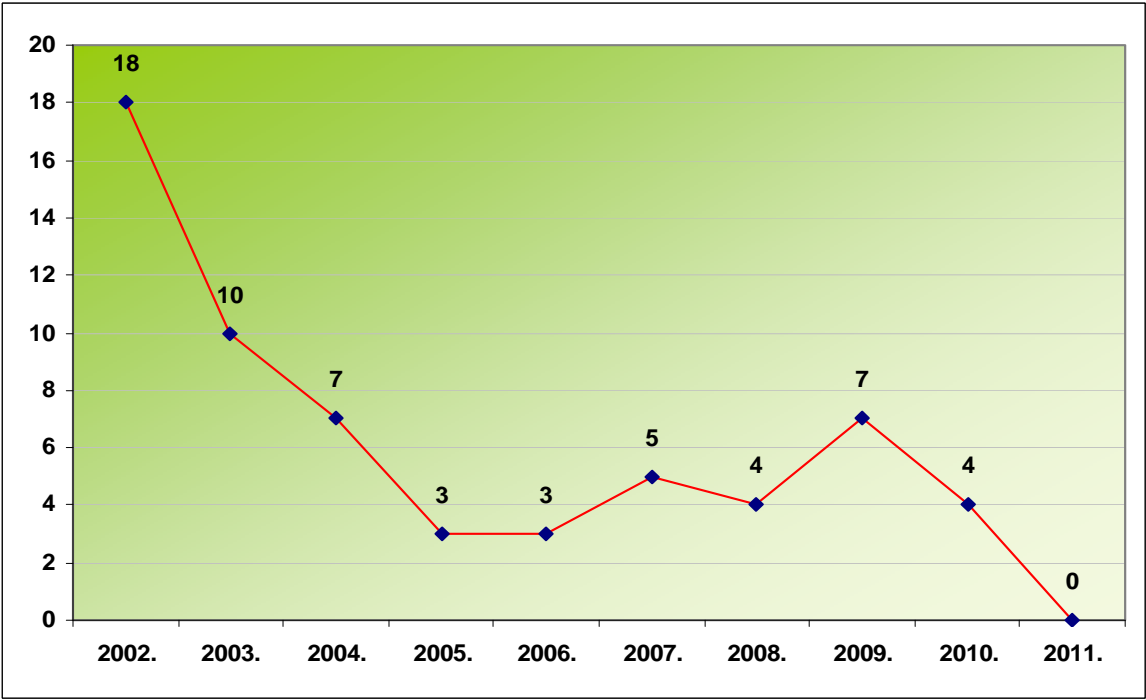


Table 7.1.9.

**Persons convicted by sanctions imposed in accordance with Art. 285 CC (industrial property right)
- Imprisonments as imposed**

	Unconditional imprisonment				Conditional imprisonment					
	Total	6-12 months	2-3 months	30 days	Total	1-2 years	3-6 months	2-3 months	1-2 months	30 days
2002.	1	0	0	1	5	0	2	1	0	0
2003.	0	0	0	0	6	1	3	0	0	0
2004.	0	0	0	0	5	0	4	1	0	0
2005.	0	0	0	0	13	0	2	10	0	1
2006.	0	0	0	0	26	0	11	13	1	0
2007.	1	0	1	0	35	0	9	13	5	5
2008.	1	1	0	0	53	13	14	15	6	5
2009.	2	1	1	0	20	5	5	0	10	0
2010.	2	0	2	0	39	12	17	5	3	2
2011.	0	0	0	0	16	6	4	4	1	1

Table 7.1.10.

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

	Unconditional fine (expressed in daily incomes)							Other sanctions		
	Total	10 to 25	51 to 75	101 to 150	10 to 25	26 to 50	51 to 75	Judicial admonition	Educational measures	Suspension of juvenile prison
2002.	5	2	0	0	1	0	0	0	0	0
2003.	3	1	0	0	0	0	0	0	0	0
2004.	3	0	0	0	0	0	0	0	0	0
2005.	18	0	4	0	0	0	0	2	0	0
2006.	62	19	5	2	0	0	0	0	0	0
2007.	55	22	7	0	1	3	1	0	0	0
2008.	25	12	13	0	0	0	0	0	0	0
2009.	96	14	74	1	0	6	1	0	0	0
2010.	40	17	2	1	6	14	0	0	0	0
2011.	15	4	1	4	1	4	1	0	0	0

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

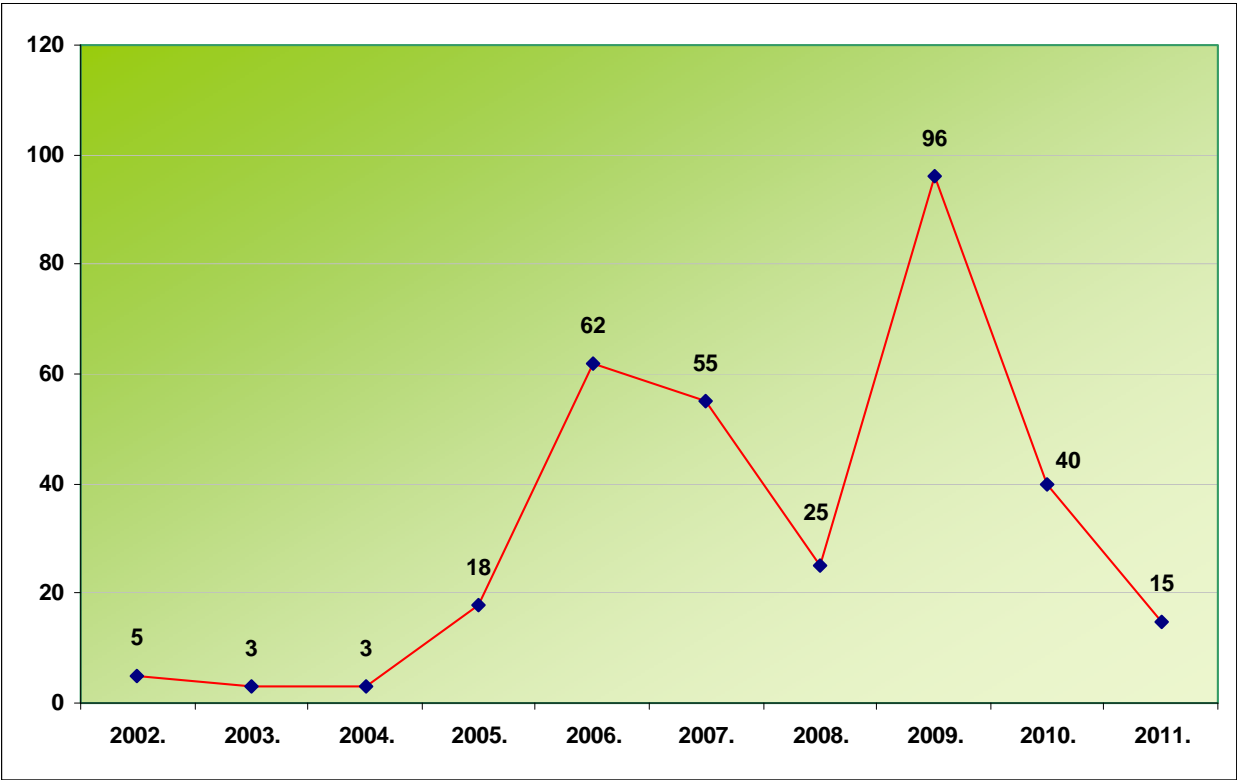


Table 7.1.11.

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

– Sanctions as imposed

	Conditional imprisonment						Unconditional fine (expressed in daily incomes)					
	Total	6-12 months	3-6 months	2-3 months	1-2 months	30 days	Total	10 to 25	26 to 50	51 to 75	76 to 100	101 to 150
2002.	1	0	0	0	0	1	9	7	2	0	0	0
2003.	1	0	1	0	0	0	1	0	1	0	0	0
2004.	2	0	0	0	2	0	0	0	0	0	0	0
2005.	2	1	1	0	0	0	0	0	0	0	0	0
2006.	5	0	0	4	1	0	2	2	0	0	0	0
2007.	11	2	2	4	3	0	7	6	0	1	0	0
2008.	4	0	2	2	0	0	7	2	0	1	4	0
2009.	10	4	6	0	0	0	7	2	0	1	4	0
2010.	1	1	0	0	0	0	14	6	6	0	1	1
2011.	9	5	2	1	1	0	2	0	2	0	0	0

Chart 7.1.12.
Conditional imprisonment for other infringements – the right conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code)

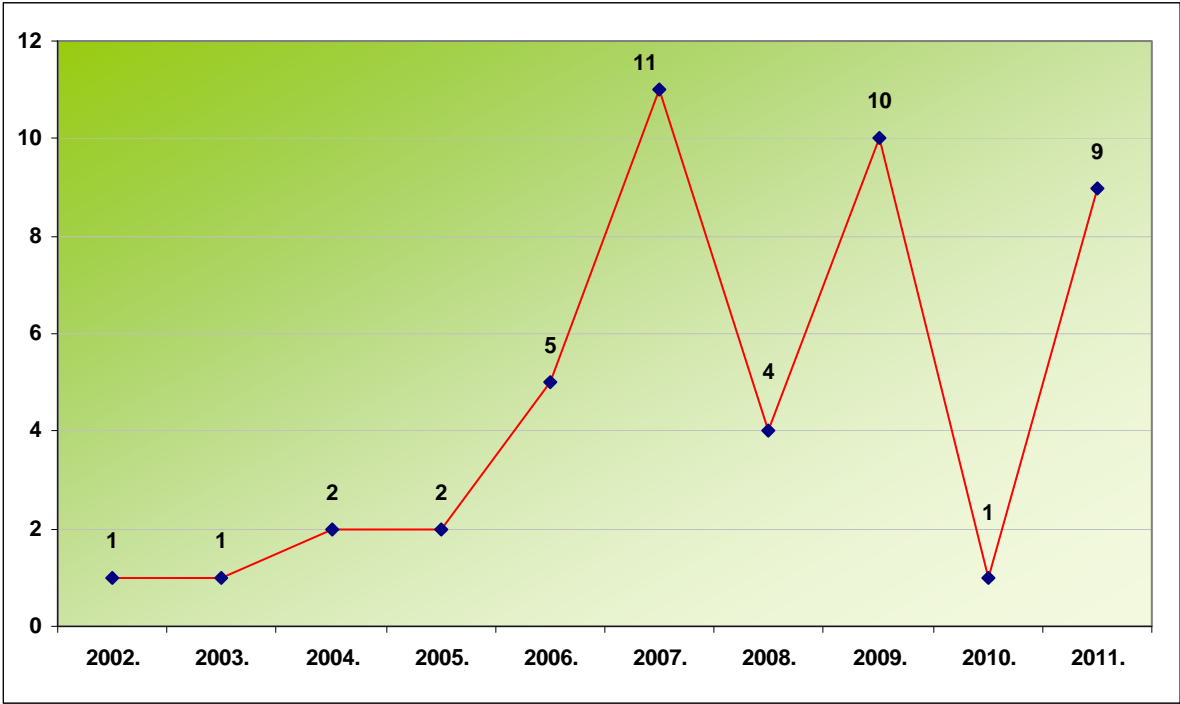


Chart 7.1.13.
Unconditional fines for other infringements – the right conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code)

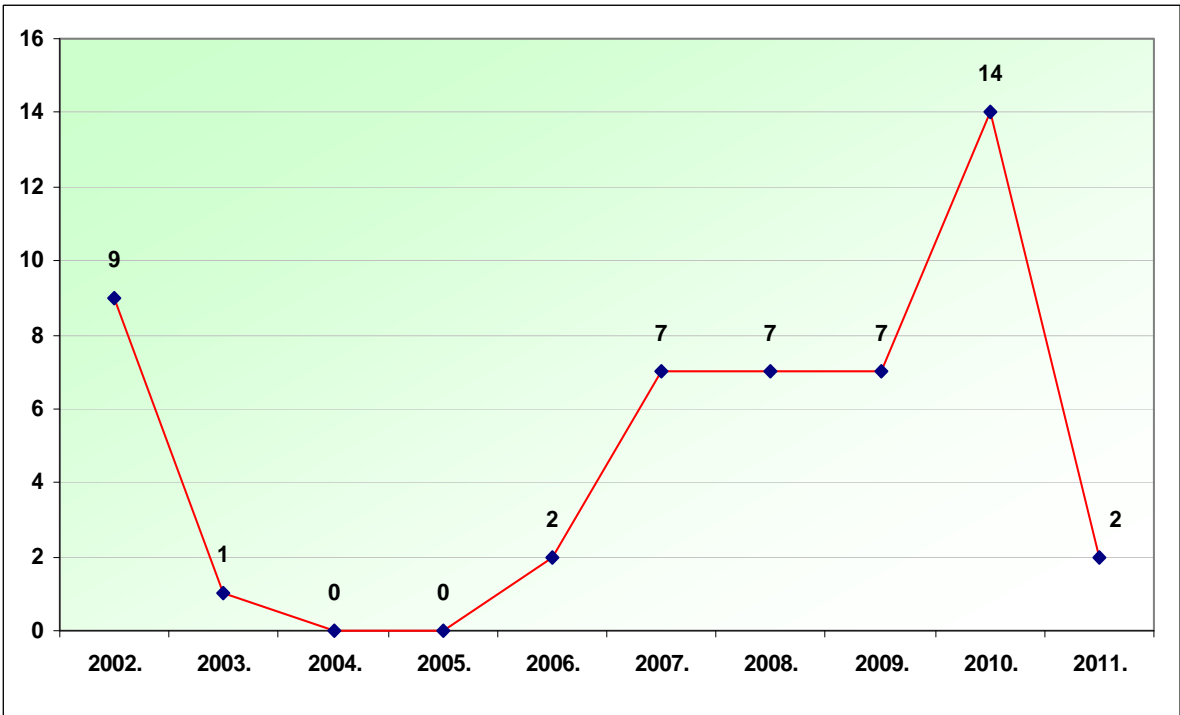


Table 7.1.12.

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

- Art. 230 CC

	A security measure imposed of seizure of goods	Seizure of material gain
2002.	212	23
2003.	135	33
2004.	144	15
2005.	136	11
2006.	108	13
2007.	143	12
2008.	126	12
2009.	58	8
2010.	50	3
2011.	29	4

Chart 7.1.14.

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

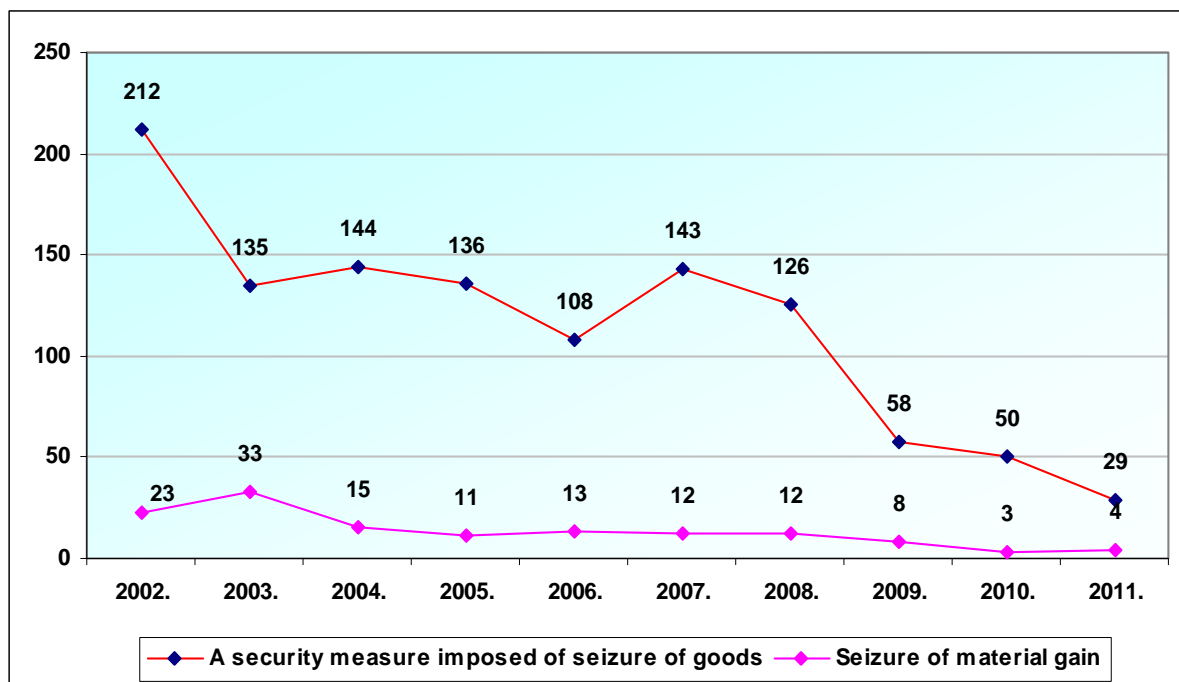


Table 7.1.13.

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

	Security measures			Seizure of material gain
	TOTAL	Seizure of goods	Expulsion of aliens	
2002.	5	5	0	1
2003.	4	4	0	4
2004.	3	3	0	0
2005.	27	27	0	1
2006.	70	70	0	3
2007.	76	75	1	1
2008.	201	201	0	21
2009.	39	32	7	2
2010.	49	49	0	0
2011.	10	10	0	0

Chart 7.1.15.

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

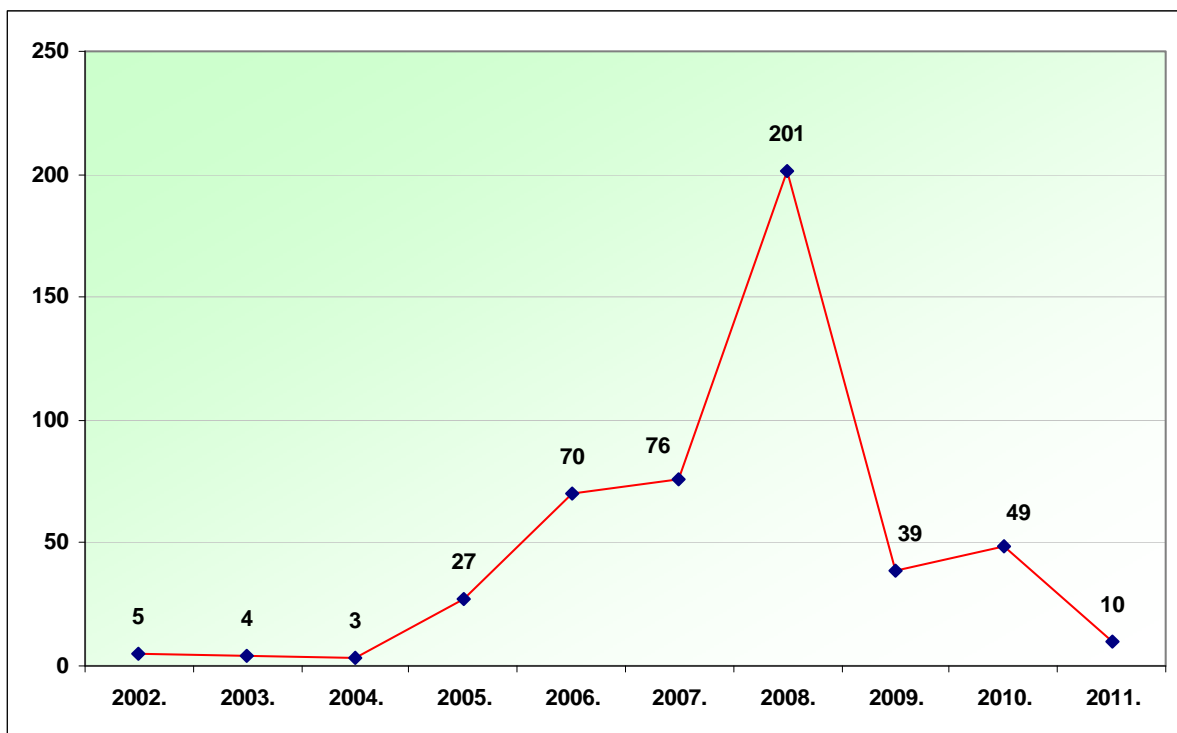


Table 7.1.14.

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

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			2.905 HRK	6.308 HRK	10.458 HRK	14.608 HRK	20.750 HRK
2002.	HRK		746.585	220.780	20.916	43.824	0
	EUR	142.900	103.000	31.000	2.900	6.000	0
2003.	HRK		307.930	372.172	52.290	58.432	20.750
	EUR	112.100	43.000	51.000	7.200	8.000	2.900
2004.	HRK		180.110	258.628	31.374	29.216	0
	EUR	68.800	25.000	35.500	4.300	4.000	0
2005.	HRK		148.155	214.472	20.916	73.040	0
	EUR	62.900	20.000	30.000	2.900	10.000	0
2006.	HRK		136.535	233.396	31.374	102.256	20.750
	EUR	72.200	19.000	32.000	4.300	14.000	2.900
2007.	HRK		87.150	157.700	73.206	87.648	20.750
	EUR	58.900	12.000	22.000	10.000	12.000	2.900
2008.	HRK		87.150	195.548	10.458	29.216	20.750
	EUR	47.002	11.938	26.787	1.433	4.002	2.842
2009.	HRK		80.144	46.405	41.832	14.608	0
	EUR	25.067	10.979	6.357	5.730	2.001	0
2010.	HRK		79.004,40	89.741,50	76.312,16	0	0
	EUR	33.754	10.882	12.361	10.511	0	0
2011.	HRK		27.146	34.074	0	0	0
	EUR	8.433	3.739	4.694	0	0	0

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

Chart 7.1.16.

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

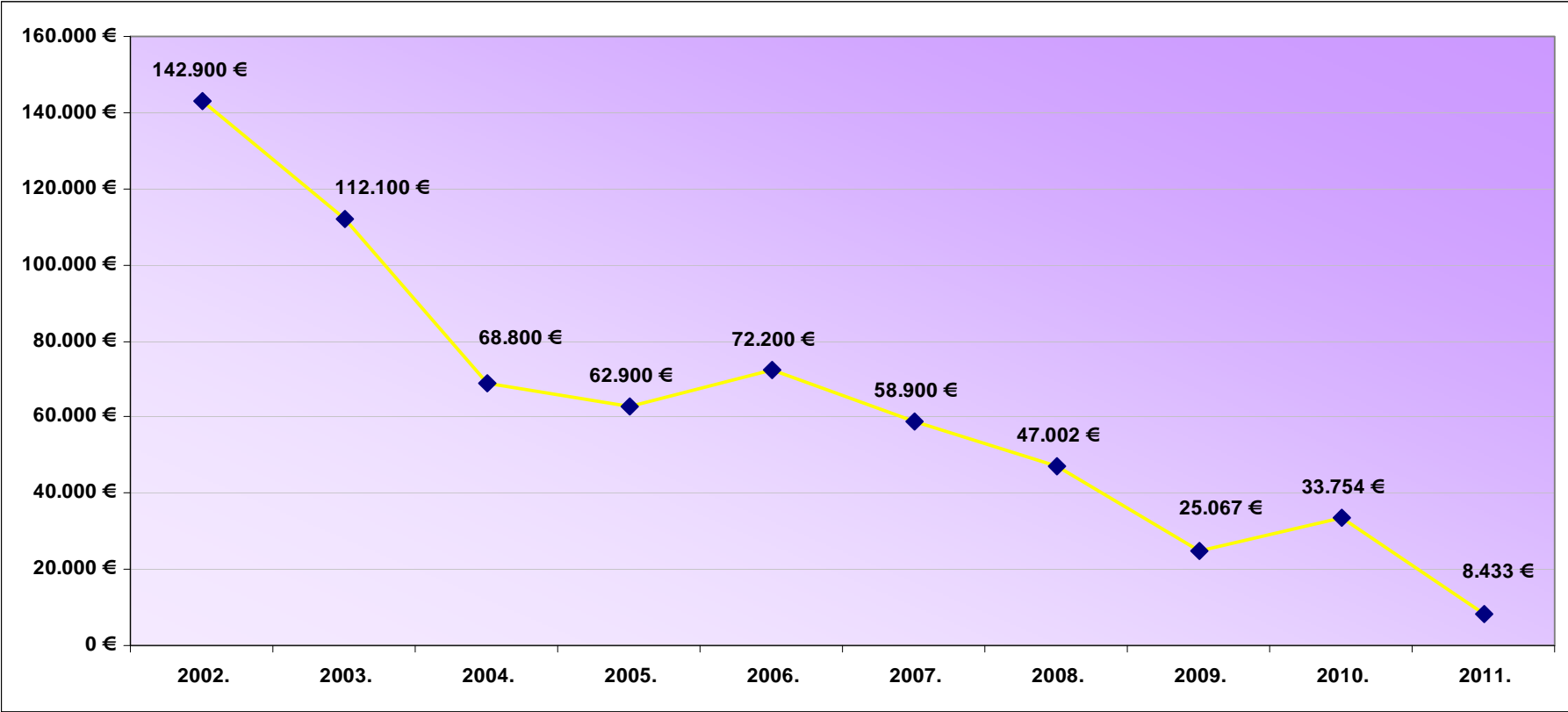


Table 7.1.15.

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

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			2.905 HRK	6.308 HRK	10.458 HRK	14.608 HRK	20.750 HRK
2002.	HRK		8.715	18.924	0	0	0
	EUR	3.800	1.200	2.600	0	0	0
2003.	HRK		2.905	6.308	0	14.608	0
	EUR	3.300	400	900	0	2.000	0
2004.	HRK		0	18.924	0	0	0
	EUR	2.600	0	2.600	0	0	0
2005.	HRK		0	69.388	41.832	43.824	0
	EUR	21.300	0	9.500	5.800	6.000	0
2006.	HRK		55.195	195.548	52.290	73.040	41.500
	EUR	57.500	7.600	27.000	7.200	10.000	5.700
2007.	HRK		66.815	138.776	83.664	102.256	0
	EUR	53.700	9.200	19.000	11.500	14.000	0
2008.	HRK		34.860	69.388	10.458	0	0
	EUR	15.713	4.775	9.505	1.433	0	0
2009.	HRK		30.005	62.358	33.412	3.333	21.258
	EUR	20.598	4.110	8.542	4.577	457	2.912
2010.	HRK		62.417,66	78,293,50	27.028,00	35.100,00	20.000,00
	EUR	30.694	8.597	10.784	3.723	4.835	2.755
2011.	HRK		14.357	30.490	0	37.577	96.140
	EUR	24.596	1.978	4.200	0	5.176	13.242

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

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

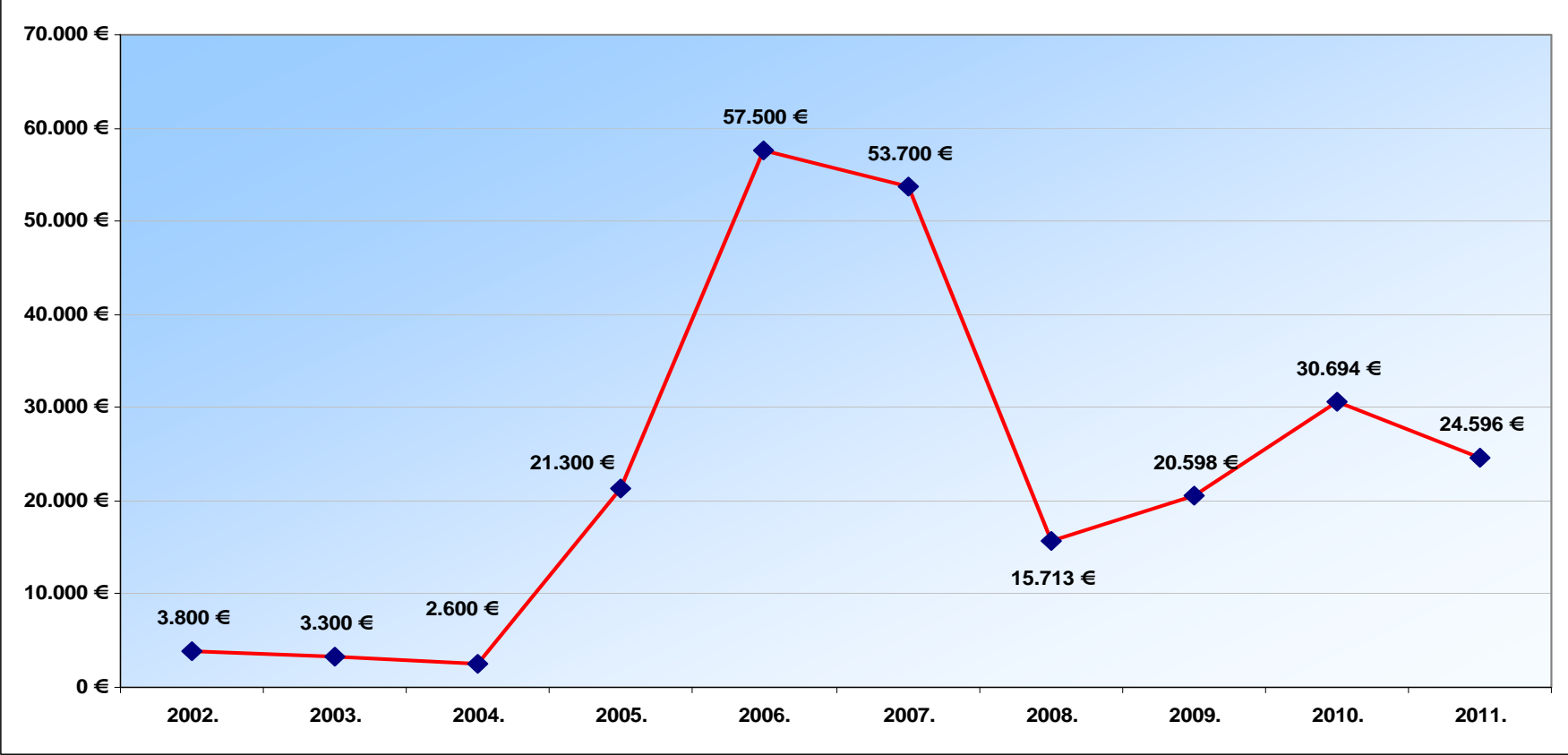


Table 7.1.16.

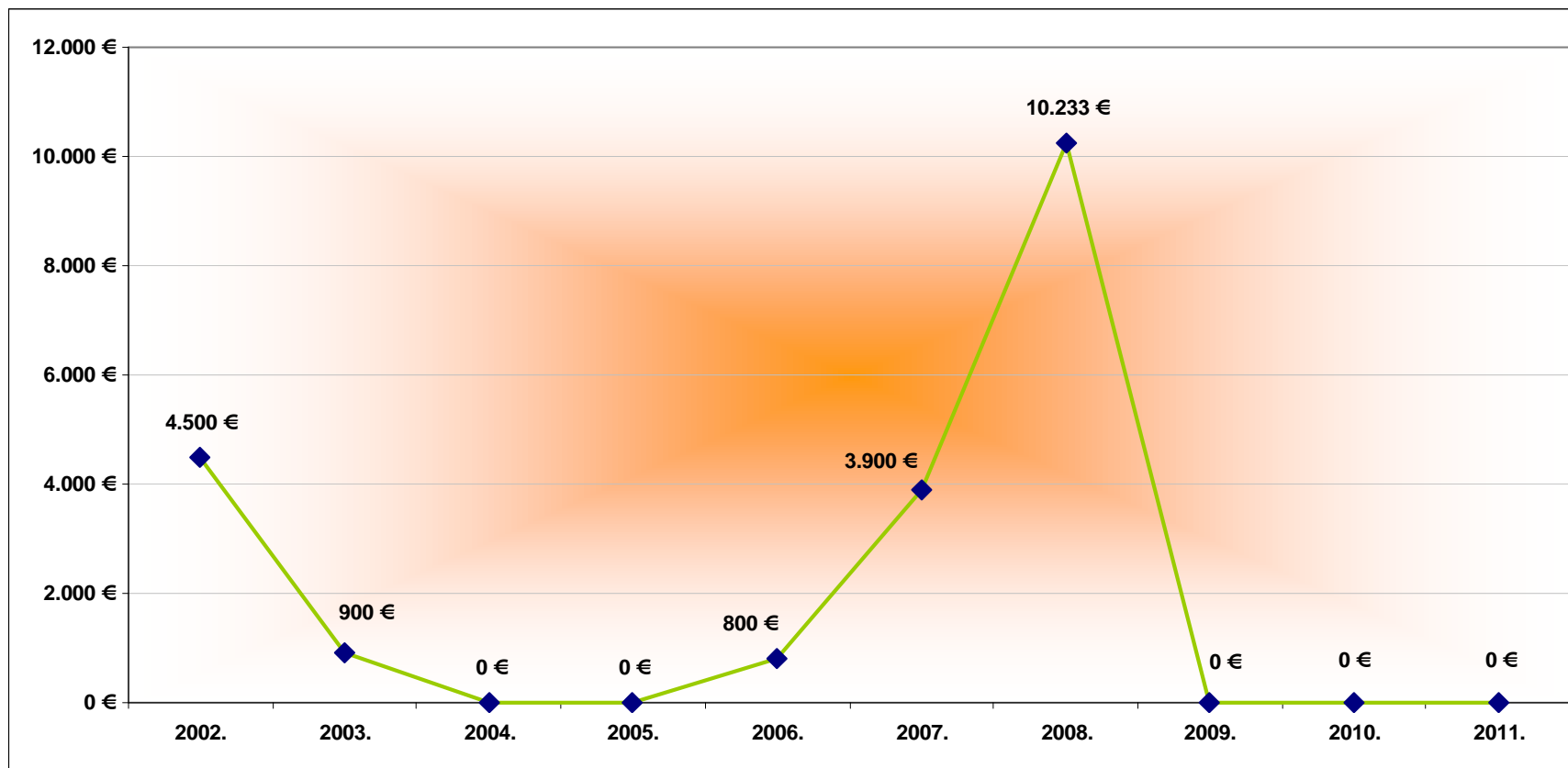
Account of fines imposed on offenders for infringements of the rights conferred by a protected invention and other infringements - Article 232 CC

		EUROS TOTAL	10 to 25 DI	26 to 50 DI	51 to 75 DI	76 to 100 DI	101 to 150 DI
			2.905 HRK	6.308 HRK	10.458 HRK	14.608 HRK	20.750 HRK
2002.	HRK		20.335	12.616	0	0	0
	EUR	4.500	2.800	1.700	0	0	0
2003.	HRK		0	6.308	0	0	0
	EUR	900	0	900	0	0	0
2004.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0
2005.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0
2006.	HRK		5.810	0	0	0	0
	EUR	800	800	0	0	0	0
2007.	HRK		17.430	0	10.458	0	0
	EUR	3.900	2.400	0	1.500	0	0
2008.	HRK		5.810	0	10.458	58.432	0
	EUR	10.233	796	0	1.433	8.004	0
2009.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0
2010.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0
2011.	HRK		0	0	0	0	0
	EUR	0	0	0	0	0	0

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

Chart 7.1.18.

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



7.2. Misdemeanour decisions and sanctions

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

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

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

Table 7.2.1.
Data on the legal forms of court decisions issued against misdemeanants infringing intellectual property in 2011

Infringement of provisions	Accused	Found guilty	Suspension of the misdemeanour procedure		Protective measures
			Total	Limitation	
TOTAL	7.105	4.261	1.333	211	129
Infringement of the copyright provisions	6.721	4.030	1.303	204	25
Infringement of the trademark provisions	364	211	30	7	104
Infringement of the patent provisions	4	4	0	0	0
Infringement of the industrial design provisions	0	0	0	0	0
Infringement of the provisions on geographical indications	16	16	0	0	0

Table 7.2.2.
Misdemeanour trials against natural persons for infringing the copyright law provisions, from 2002 to 2011

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
2002.	4.963	2.896	0	2.599	297
2003.	4.370	2.386	0	2.030	356
2004.	4.743	2.356	0	2.086	270
2005.	4.159	2.116	6	1.886	224
2006.	4.741	2.301	0	2.129	172
2007.	2.911	1.731	1	1.657	73
2008.	3.186	1.914	0	1.783	131
2009.	1.676	815	0	796	19
2010.	3.083	1.954	1	1.875	78
2011.	4.791	2.686	5	2.642	39

Chart 7.2.1.
Natural persons accused and found guilty for infringing the copyright law provisions from 2002 to 2011

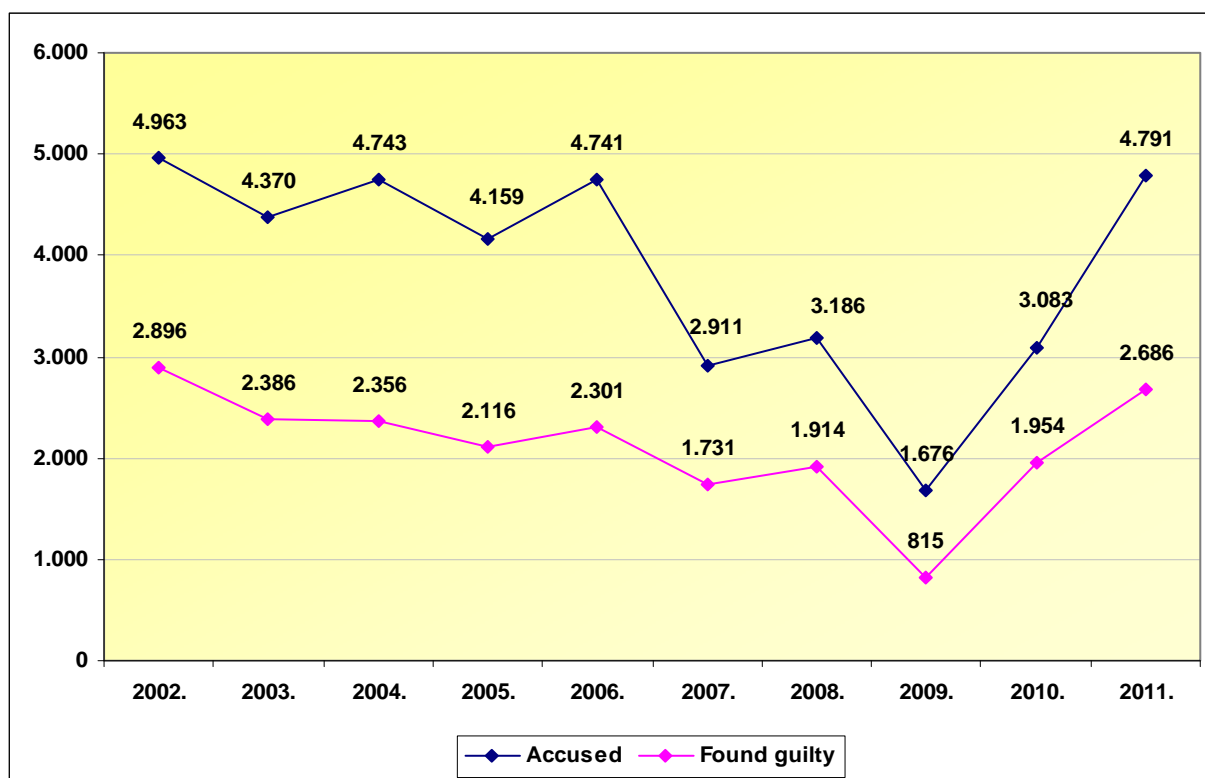


Table 7.2.3.
Misdemeanour trials against legal and responsible persons for infringing the copyright law provisions from 2002 to 2011

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
2002.	1.360	481	418	63
2003.	1.528	443	333	110
2004.	1.758	429	307	122
2005.	1.781	399	296	103
2006.	1.616	351	265	86
2007.	1.219	374	325	49
2008.	1.473	547	440	107
2009.	1.199	375	362	13
2010.	2.126	1.400	1.355	22
2011.	2.404	1.427	1.376	19

Chart 7.2.2.
Legal persons accused and found responsible for infringing the copyright law provisions from 2002 to 2011

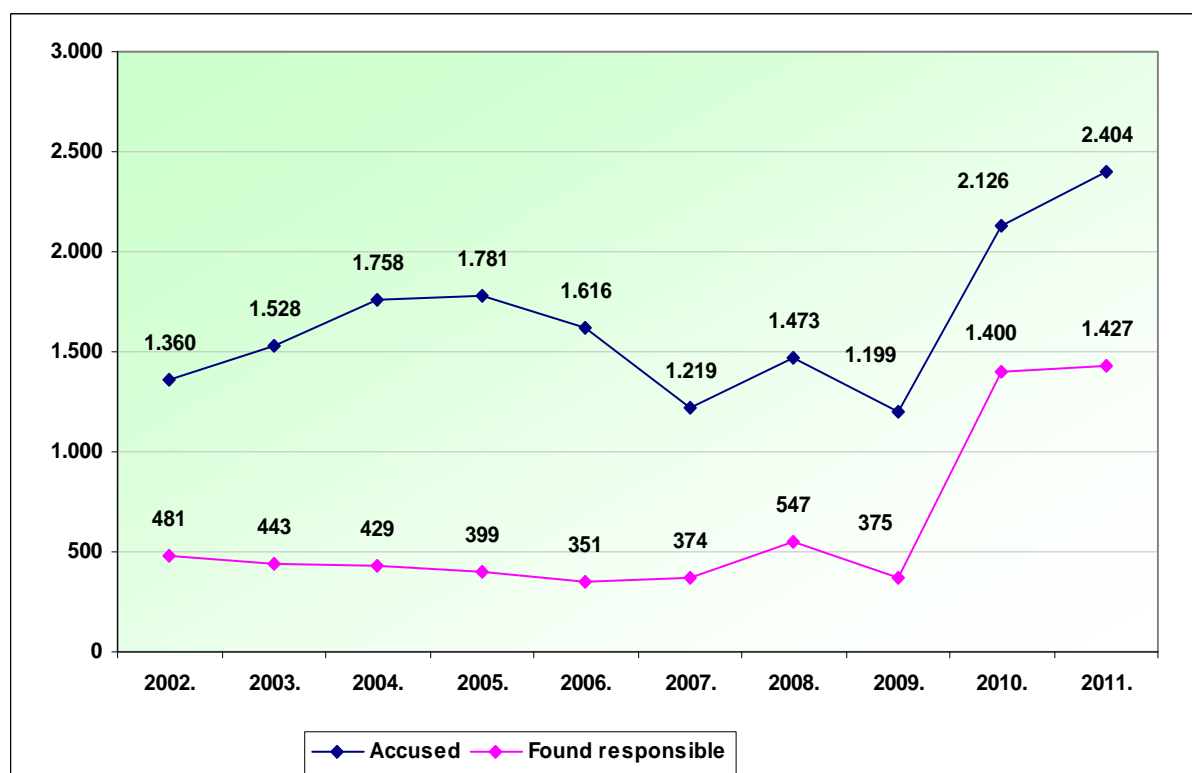


Table 7.2.4.

Misdemeanour trials concerning infringements of the provisions on trademark and other symbols from 2002 to 2011

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
2002.	387	297	0	237	60
2003.	341	260	0	202	58
2004.	278	194	0	150	44
2005.	227	161	0	135	26
2006.	179	122	0	104	18
2007.	170	136	0	130	6
2008.	133	105	0	92	13
2009.	144	95	0	87	8
2010.	348	171	0	136	35
2011.	236	158	0	156	2

Chart 7.2.3.

Natural persons accused and found guilty for the infringements of the provisions on trademark and other symbols from 2002 to 2011

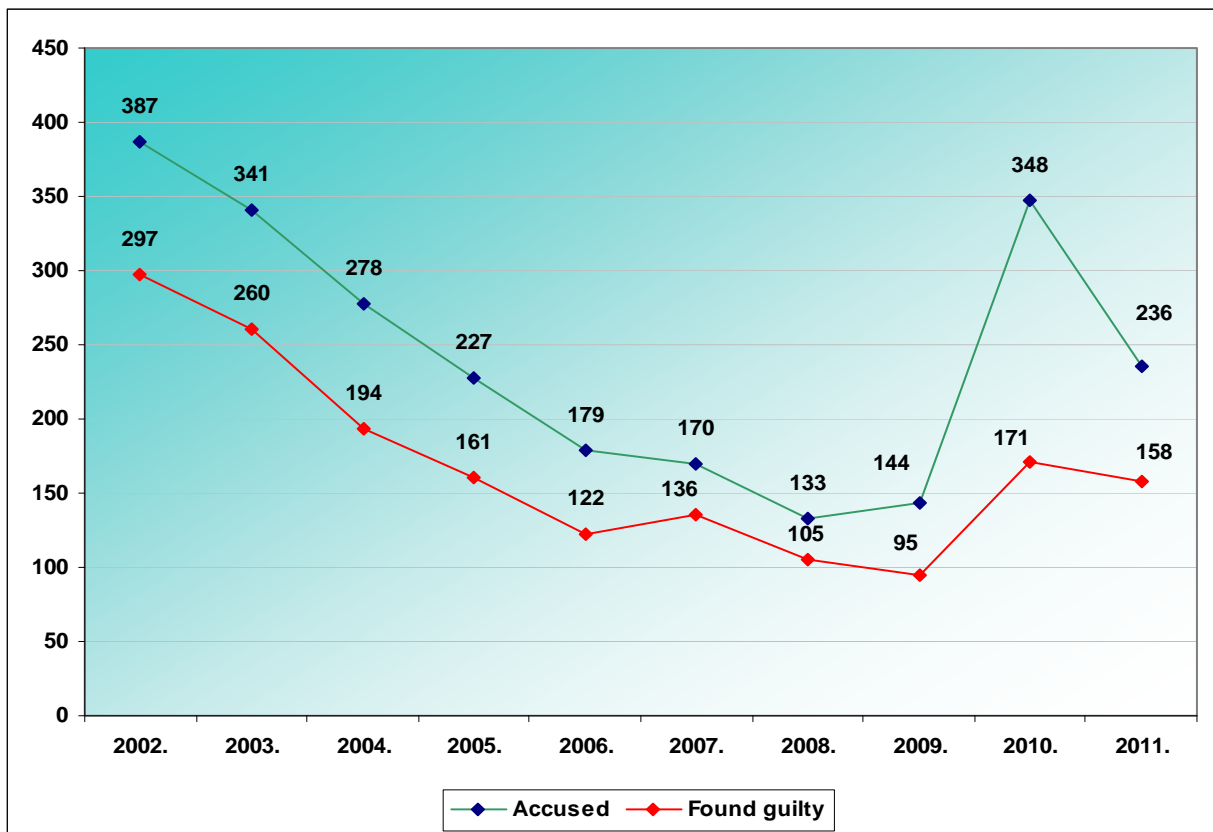


Table 7.2.5.

Misdemeanour trials concerning infringements of the provisions on trademark and other symbols (legal and responsible persons) from 2002 to 2011

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
2002.	343	212	172	40
2003.	349	180	128	52
2004.	264	135	99	36
2005.	198	115	79	36
2006.	174	88	53	35
2007.	61	37	31	6
2008.	79	52	39	13
2009.	141	58	56	2
2010.	49	57	54	3
2011.	71	57	55	2

Chart 7.2.4.

Legal persons accused and found responsible for infringements of the provisions on trademark and other symbols from 2002 to 2011

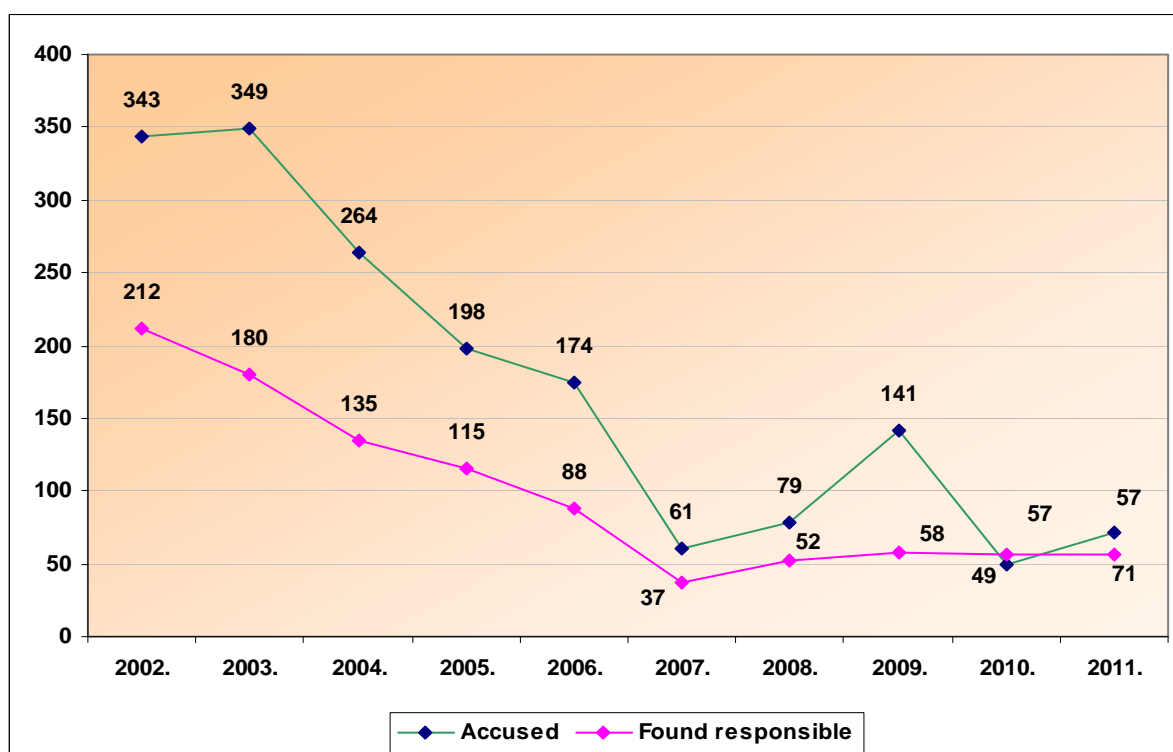


Table 7.2.6.

Misdemeanour trials concerning infringements of the provisions on patents and technical improvements (natural persons) from 2002 to 2011

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
2002.	1	1	0	1	0
2003.	1	0	0	0	0
2004.	0	0	0	0	0
2005.	2	2	0	0	2
2006.	5	5	0	5	0
2007.	3	2	0	2	0
2008.	1	1	0	1	0
2009.	0	0	0	0	0
2010.	8	1	0	1	0
2011.	1	1	0	1	0

Table 7.2.7.

Misdemeanour trials concerning infringements of the provisions on patents and technical improvements (legal and responsible persons) from 2002 to 2011

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
2002.	2	1	1	0
2003.	0	0	0	0
2004.	0	0	0	0
2005.	1	1	0	1
2006.	0	0	0	0
2007.	0	0	0	0
2008.	2	2	2	0
2009.	0	0	0	0
2010.	12	12	12	0
2011.	3	3	3	0

Table 7.2.8.**Fines in HRK imposed on natural persons - Infringements of the copyright provisions from 2002 to 2011**

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
2002.	2.599	751	1.296	545	6	1
2003.	2.030	418	1.160	443	7	2
2004.	2.086	417	1.257	407	4	1
2005.	1.886	390	861	621	13	1
2006.	2.129	470	739	893	25	2
2007.	1.657	326	484	834	12	1
2008.	1.783	314	530	911	27	1
2009.	796	144	224	376	45	7
2010.	1.875	136	564	1.056	101	18
2011.	2.642	151	787	1.571	124	9

Table 7.2.9.**Fines in HRK imposed on legal and responsible persons - Infringements of the copyright provisions from 2002 to 2011**

	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
2002.	418	231	81	91	14	1	0
2003.	333	37	132	139	20	3	2
2004.	307	97	108	85	16	1	0
2005.	296	67	127	94	8	0	0
2006.	265	12	58	163	24	7	1
2007.	325	86	118	116	2	2	1
2008.	440	102	123	211	4	0	0
2009.	362	25	88	179	61	7	2
2010.	1.355	139	272	793	115	22	14
2011.	1.376	54	237	952	122	9	2

Table 7.2.10.**Fines in HRK imposed on natural persons - Infringements of the trademark provisions from 2002 to 2011**

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
2002.	237	80	68	86	2	1
2003.	202	42	86	71	3	0
2004.	150	33	63	53	0	1
2005.	135	25	55	54	1	0
2006.	104	14	45	44	1	0
2007.	130	7	39	83	1	0
2008.	105	12	48	39	6	0
2009.	87	1	8	75	3	0
2010.	288	24	45	205	13	1
2011.	156	33	22	98	1	2

Table 7.2.11.**Fines in HRK imposed on legal and responsible persons - Infringements of the trademark provisions from 2002 to 2011**

	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
2002.	172	77	48	44	3	0	0
2003.	128	36	48	33	1	0	10
2004.	99	16	65	16	2	0	0
2005.	79	29	29	20	1	0	0
2006.	53	8	24	19	2	0	0
2007.	31	5	17	9	0	0	0
2008.	52	8	20	20	4	0	0
2009.	56	0	1	27	19	5	4
2010.	134	4	8	67	38	10	7
2011.	55	1	2	33	11	3	5

Table 7.2.12.

Fines in HRK imposed on natural persons - Infringements of the patent provisions and technical improvements from 2002 to 2011

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
2002.	1	0	0	1	0	0
2003.	0	0	0	0	0	0
2004.	0	0	0	0	0	0
2005.	0	0	0	0	0	0
2006.	5	3	2	0	0	0
2007.	2	1	0	0	1	0
2008.	1	0	1	0	0	0
2009.	0	0	0	0	0	0
2010.	1	0	0	1	0	0
2011.	1	0	0	1	0	0

Table 7.2.13.

Fines in HRK imposed on legal and responsible persons - Infringements of the provisions on patents and technical improvements from 2002 to 2011

	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
2002.	1	0	0	1	0	0	0
2003.	0	0	0	0	0	0	0
2004.	0	0	0	0	0	0	0
2005.	0	0	0	0	0	0	0
2006.	0	0	0	0	0	0	0
2007.	0	0	0	0	0	0	0
2008.	2	0	2	0	0	0	0
2009.	0	0	0	0	0	0	0
2010.	12	0	2	10	0	0	0
2011.	3	1	0	1	0	0	1

Table 7.2.14.
Juvenile delinquents - Infringement of the copyright provisions from 1998 to 2011

Criminal procedure	Misdemeanour trial
108	67

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

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

Table 8.1.
Disputes before the Administrative Court (1.1.2011. - 31.12.2011.)

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	130	7	23	82	4	11	120	17
PATENTS	6	4	2	3	0	1	6	4
INDUSTRIAL DESIGNS	5	1	2	3	0	0	5	1
TOTAL	141	12	27	88	4	12	131	22

Table 8.2.
Disputes before commercial courts (1.1.2011. - 31.12.2011.)

COMMERCIAL COURT	NUMBER OF CASES PENDING AT THE BEGINNING OF THE REPORTING PERIOD	NUMBER OF CASES RECEIVED	NUMBER OF CASES CLOSED											NUMBER OF CASES PENDING AT THE END OF THE REPORTING PERIOD
			TOTAL	JUDGMENT BASED ON HEARING	JUDGMENT BY CONFESSION	JUDGMENT BY DEFAULT	JUDGMENT BY ABSENCE	JUDGMENT WITHOUT HEARING	JUDGMENT BASED ON WAIVER	SETTLEMENT	REJECTION	REFERRAL TO ANOTHER COURT	OTHERWISE	
Zagreb	824	808	691	127	6	322	127	0	0	2	0	2	105	941
%			100	18,4	0,9	46,6	18,4	0,0	0,0	0,3	0,0	0,3	15,2	
Rijeka	267	251	392	52	0	140	183	0	1	0	0	0	16	126
%			100	13,3	0,0	35,7	46,7	0,0	0,3	0,0	0,0	0,0	4,1	
Split	234	359	232	69	1	96	16	0	1	3	1	1	44	361
%			100	29,7	0,4	41,4	6,9	0,0	0,4	1,3	0,4	0,4	19,0	
Osijek	49	170	188	149	2	6	1	1	0	0	1	1	27	31
%			100	79,3	1,1	3,2	0,5	0,5	0,0	0,0	0,5	0,5	14,4	

Table 8.3.
Disputes before commercial courts – consolidated (1.1.2011. - 31.12.2011.)

	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	42	0	7	2	1	9	0	0	0	7	0	0	1	6	0	23	69	
	PATENT	7	5	0	1	1	0	1	0	0	0	0	0	0	0	1	0	2	10	
	INDUSTRIAL DESIGN	15	9	0	1	0	1	1	0	0	0	0	0	0	0	1	0	2	22	
	GEOGRAPHICAL INDICATION	9	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	
	COPYRIGHT	COLLECTIVE	1.177	1.440	0	704	7	1	356	14	0	1	871	1	3	0	179	4	1.438	1.176
		INDIVIDUAL	111	84	0	8	2	0	16	0	0	1	9	0	2	0	10	0	38	160
	OTHER	5	4	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
	TOTAL	1.374	1.588	0	722	12	3	383	14	0	2	887	1	5	1	197	4	1.503	1.459	

Table 8.4.
Disputes before the High Commercial Court (1.1.2011. - 31.12.2011.)

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				
	380	197	259	185	22	28	0	9	0	15	318
			100	71,4	8,5	10,8	0,0	3,5	0,0	5,8	

9. DURATION OF THE PROCEDURE BEFORE COURTS

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

Table 9.1.1.

Duration of the procedure from filing of a criminal complaint to the final court decision in 2011

CRIMINAL OFFENCES	TOTAL	Up to 1 month	1 to 2 months	2 to 4 months	4 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	5 to 6 years	6 to 7 years	7 to 8 years	More than 8 years
Infringements of the authors' or of the performers' rights, Art.229 CC	2	0	0	1	0	1	0	0	0	0	0	0	0	0
%	100	0,0	0,0	50,0	0,0	50,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
Unauthorized use of an author's work or of a performer's performance, Art.230 CC	78	10	13	8	4	13	11	11	5	1	1	0	1	0
%	100	12,8	16,7	10,3	5,1	16,7	14,1	14,1	6,4	1,3	1,3	0,0	1,3	0,0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art.231 CC	18	2	2	8	3	0	0	1	1	1	0	0	0	0
%	100	11,1	11,1	44,4	16,7	0,0	0,0	5,6	5,6	5,6	0,0	0,0	0,0	0,0
COPYRIGHT TOTAL	98	12	15	17	7	14	11	13	6	2	1	0	1	0
Infringement of the right conferred by an invention applied for or protected, Art.232 CC	1	0	0	0	0	0	0	0	0	0	0	1	0	0
%	100	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	100,0	0,0	0,0
Infringement of the industrial property rights and unauthorized use of another person's firm, Art.285 CC	31	8	7	6	4	0	5	1	0	0	0	0	0	0
%	100	25,8	22,6	19,4	12,9	0,0	16,1	3,2	0,0	0,0	0,0	0,0	0,0	0,0
INDUSTRIAL PROPERTY TOTAL	32	8	7	6	4	0	5	1	0	0	0	1	0	0

Chart 9.1.1.
Duration of the procedure from filing a criminal complaint to the final court decision in 2011 – copyright

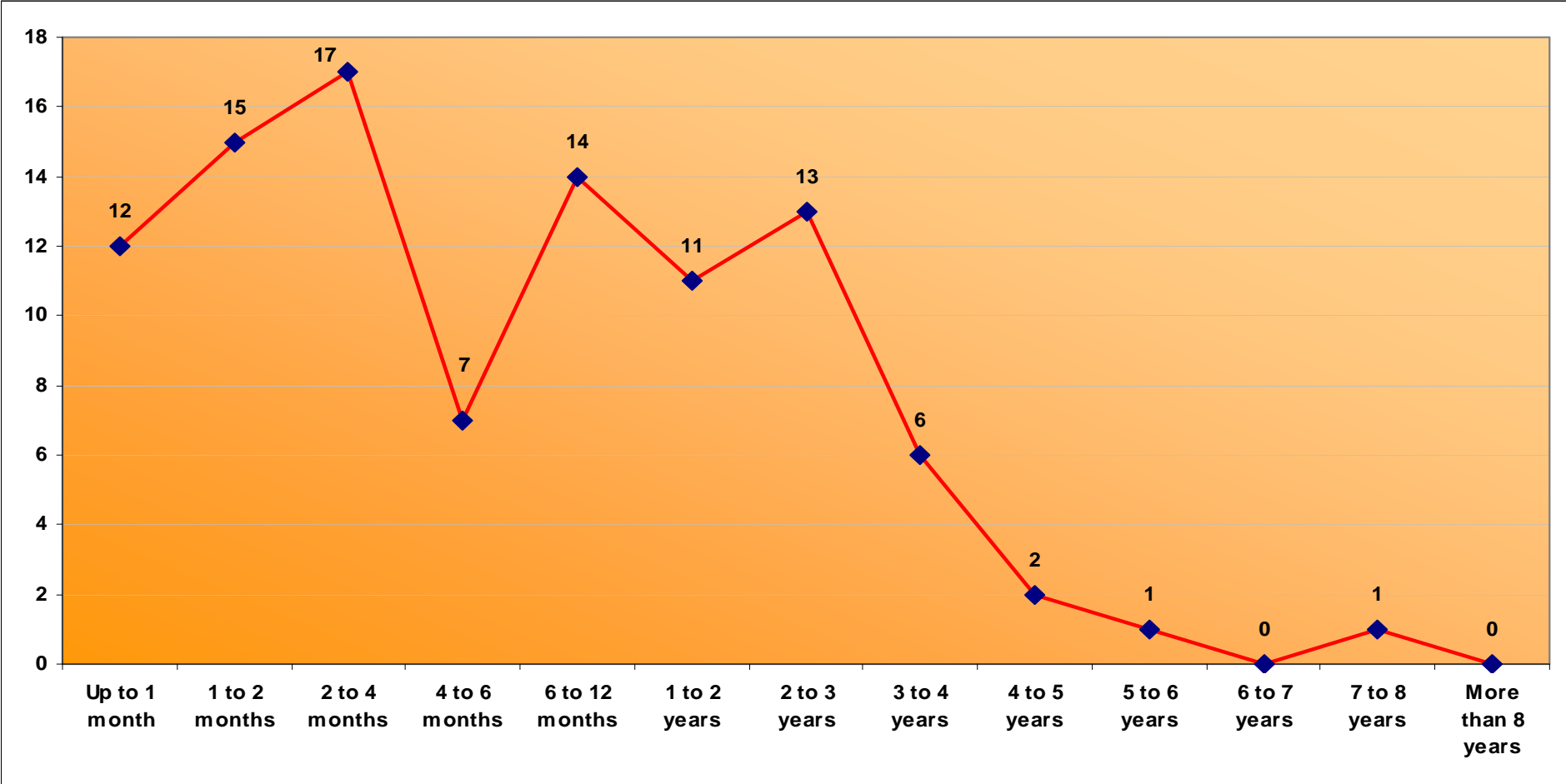
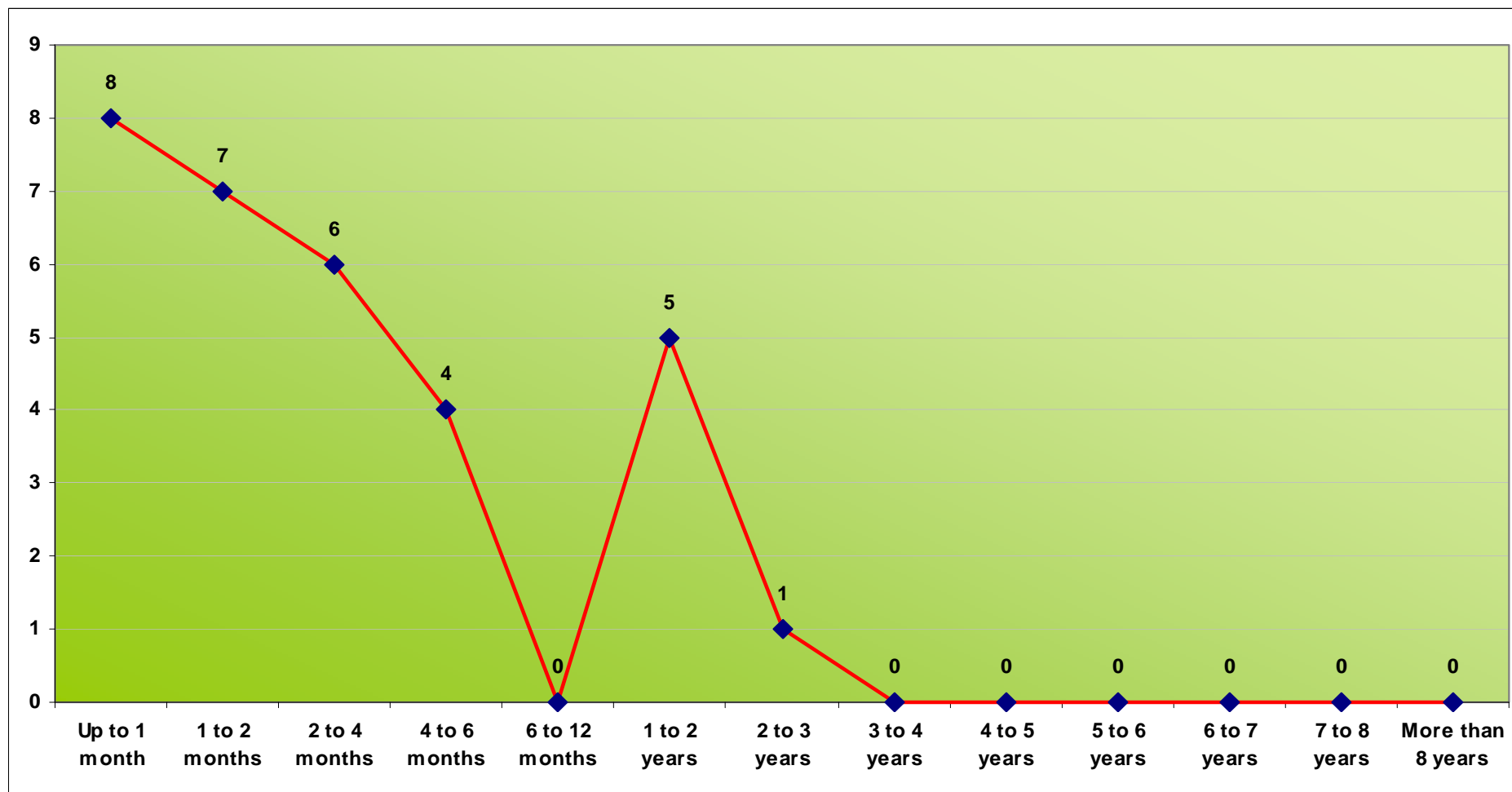


Chart 9.1.2.
Duration of the procedure from filing a criminal complaint to the final court decision in 2011
- industrial property rights



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

Table 9.2.1.

Duration of the procedure from filing a misdemeanour report to the final court decision in 2011

MISDEMEANOURS	TOTAL	Up to 1 month	1 to 2 months	2 to 4 months	4 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	5 to 6 years	6 to 7 years	7 to 8 years	More than 8 years
Infringement of the copyright provisions	3.063	292	448	824	553	330	332	111	55	31	38	49	0	0
%	100	9,5	14,6	26,9	18,1	10,8	10,8	3,6	1,8	1,0	1,2	1,6	0,0	0,0
Infringement of the trademarks and other indications provisions	190	8	21	57	45	31	22	3	1	1	1	0	0	0
%	100	4,2	11,1	30,0	23,7	16,3	11,6	1,6	0,5	0,5	0,5	0,0	0,0	0,0
Infringement of the patent and technical improvements provisions	1	0	0	0	1	0	0	0	0	0	0	0	0	0
%	100	0,0	0,0	0,0	100,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0

Chart 9.2.1.
Duration of the procedure from filing a misdemeanour report to the final court decision in 2011
– Infringements of the provisions on copyright

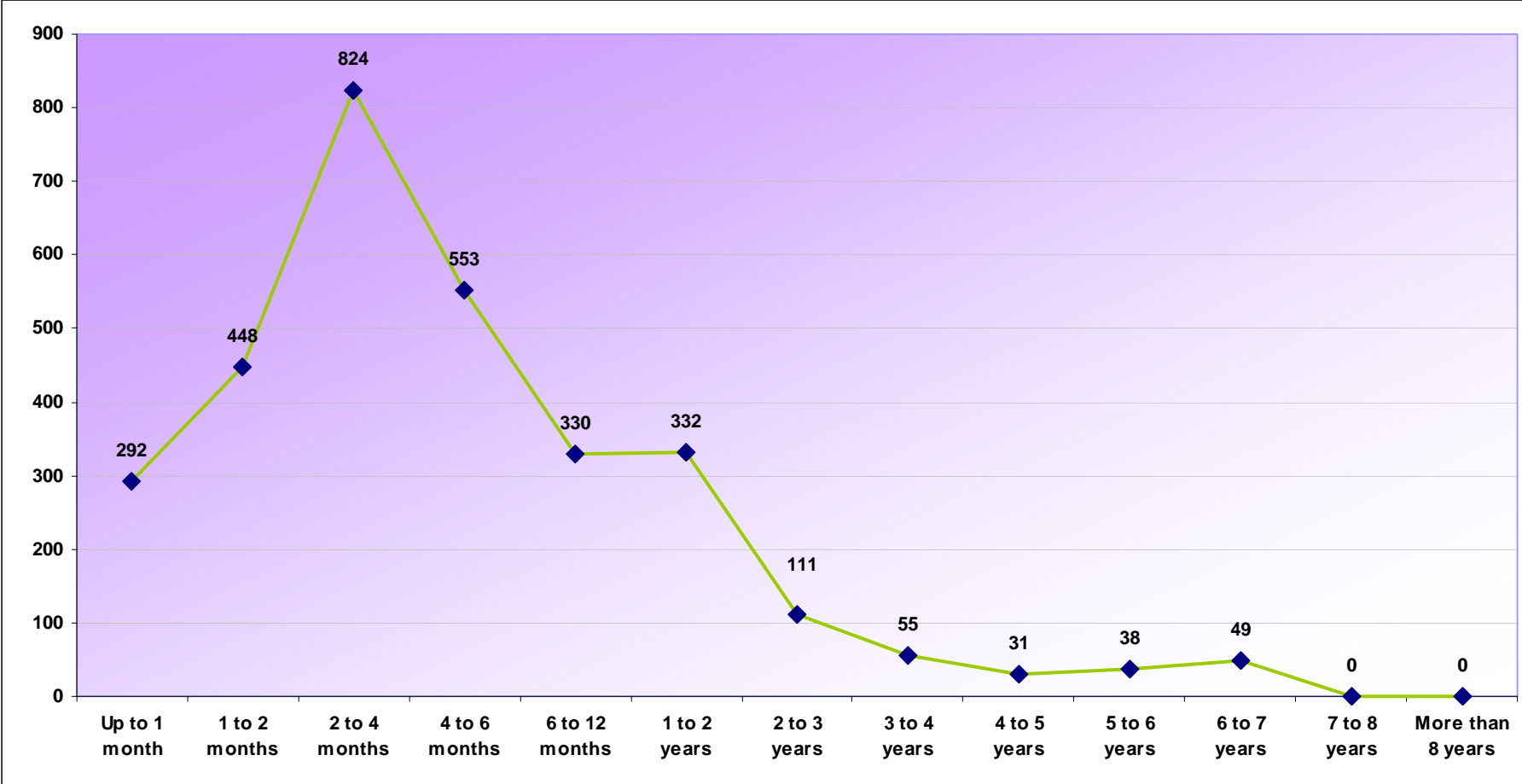
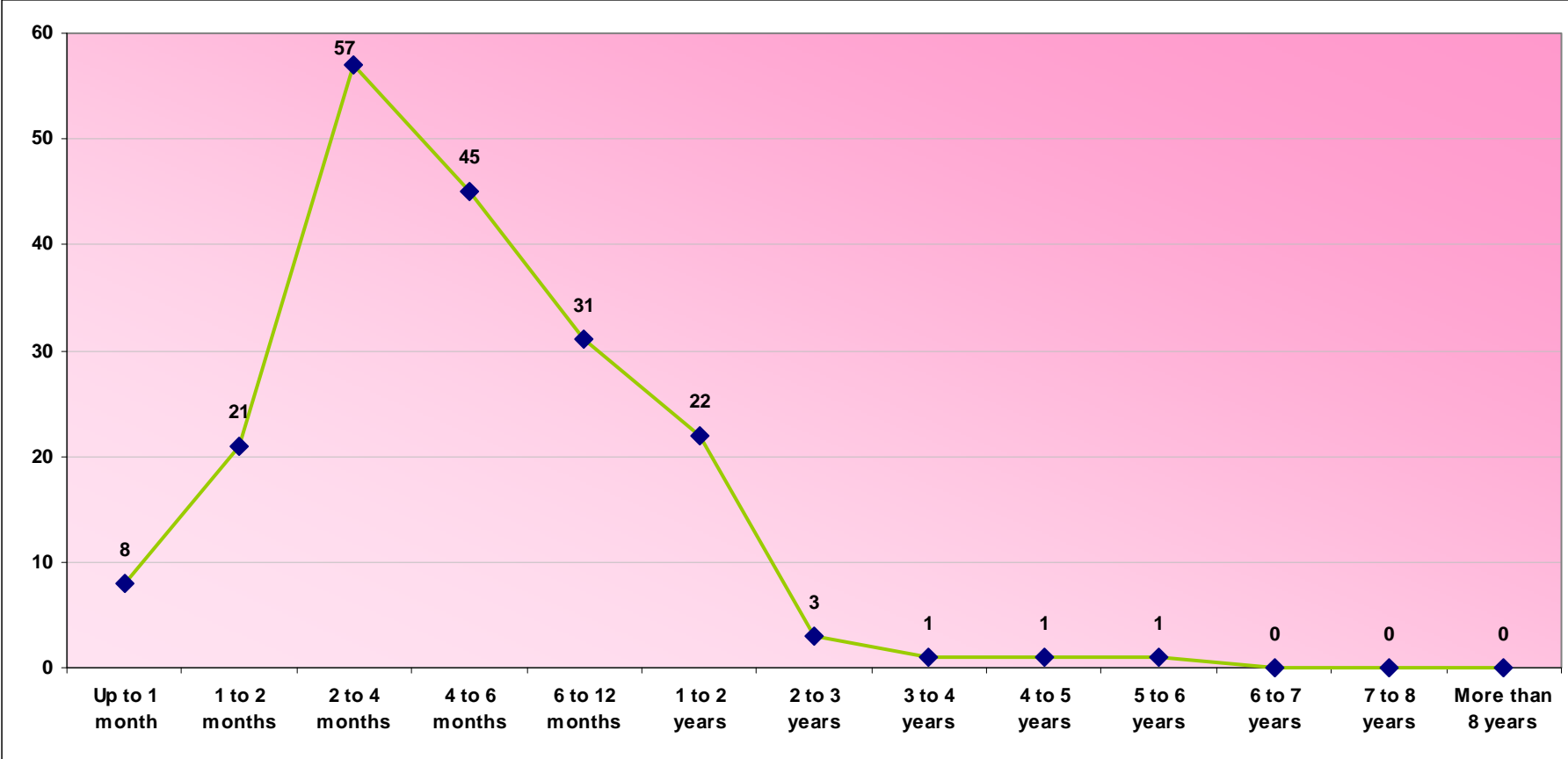


Chart 9.2.2.
Duration of the procedure from filing a misdemeanour report to the final court decision in 2011
- Infringements of the provisions on trademark and other symbols



9.3. Duration of the procedure before commercial courts

Table 9.3.1.
Duration of the procedure before commercial courts in 2011

	TOTAL	Up to 3 months	3 to 6 months	6 to 12 months	1 to 2 years	2 to 3 years	3 to 4 years	4 to 5 years	More than 5 years
COMMERCIAL COURTS	1.503	123	444	386	481	69	0	0	0
%	100	8,2	29,5	25,7	32,0	4,6	0,0	0,0	0,0
HIGH COMMERCIAL COURT	256	32	102	106	16	0	0	0	0
%	100	12,5	39,8	41,4	6,3	0,0	0,0	0,0	0,0

Chart 9.3.1.
Duration of the procedure before commercial courts in 2011

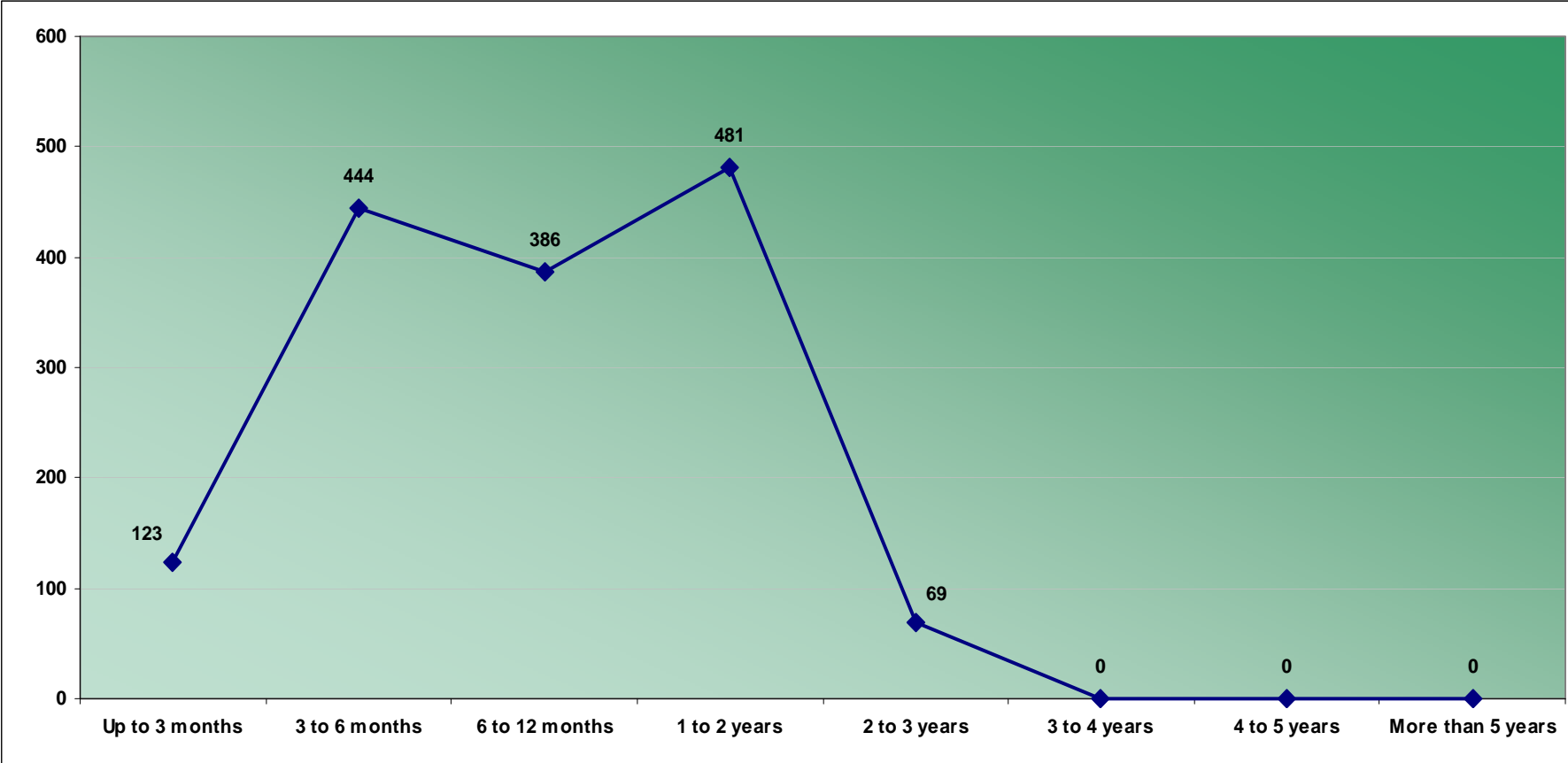
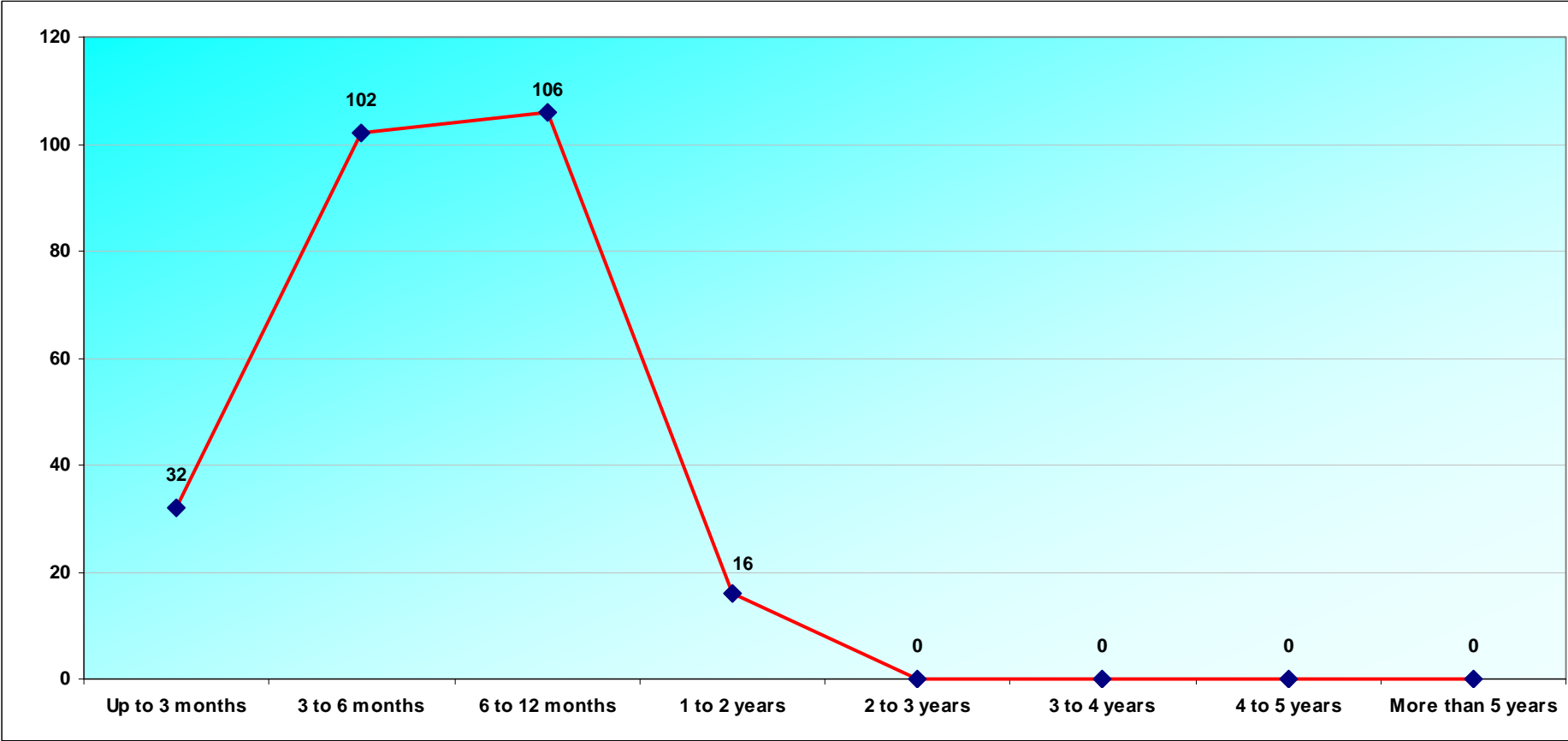


Chart 9.3.2.
Duration of the procedure before the High Commercial Court in 2011



9.4. Duration of the procedure before Administrative Court

Table 9.4.1.
Duration of the procedure before the Administrative Court in 2011

	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	131	0	0	6	15	110	0	0	0
%	100	0,0	0,0	4,6	11,5	84,0	0,0	0,0	0,0

Chart 9.4.1.
Duration of the procedure before the Administrative Court in 2011

