

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

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

Annual Report 2012

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1. FOREWORD

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 of the Republic of Croatia to the full membership in 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's Office of the Republic of Croatia. The data on offenders comprising infringements of intellectual property rights relate to the persons as reported, accused and convicted. The methodology includes final decisions issued by the State Attorney's Offices on reports of criminal offences, as well as final court decisions. The data on the misdemeanants relate to natural persons accused and to those found guilty in the misdemeanour procedure, as well as to legal persons found responsible for a misdemeanour comprising infringements of intellectual property provisions. 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 rights. Since 1 January 2011, the data on the number of criminal offences as committed and the number of persons reported for such criminal offenses have been monitored.

Data provided by the Ministry of Finance - Customs Administration relate to the number of procedures instituted *ex officio* and the number of procedures instituted upon the right holder's request. 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 it was established that those goods were original (genuine) or the right

holder had no interest in taking measures for the protection of his/her right notwithstanding that counterfeit goods were concerned. Data on the value of goods expressed in EUR, as well as the number and type of products are presented. Since 1 January 2009, the Customs Administration has not monitored the value of the goods as declared, but has monitored the value of the destroyed counterfeit goods represented as 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 concerning the protection of intellectual property rights 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 due to the infringements of trademark provisions (counterfeits).

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 High Administrative Court of the Republic of Croatia, as well as the mode of their settlement and duration of the judicial procedures. The data have also been presented concerning duration of the criminal and misdemeanour procedures from filing of a criminal or misdemeanour report until the pronouncement of a final court decision.

EXECUTIVE SUMMARY

THE MINISTRY OF FINANCE – CUSTOMS ADMINISTRATION

In 2012, the Customs Administration initiated a total of 2.071 procedures concerning the shipments of goods suspected of infringing intellectual property rights. Of these 2.071 procedures, 44 (2,12 %) were initiated *ex officio* and 2.027 (97,8 %) upon the right holder's request. It has to be noted that at the time of finishing the Customs report, 199 cases of 2012 were still pending.

The goods were destroyed in 1.652 cases and released in 161 procedures, while the goods in 59 procedures have been waiting for a court decision.

According to the type of the goods suspected of infringing certain intellectual property rights in respect of which procedures were initiated, the majority of goods were from the following three groups:

- Foodstuffs, alcoholic and other beverages 682.200 (46%)
- Personal accessories 265.548 (18%)
- Footwear 170.396 (11%)

As regards cases decided in 2012, a total of 855.594 counterfeited products were destroyed of the aggregate retail value of EUR 37.922.213,62.

Statistical data comparison for 2011 and 2012

Comparing the years 2011 and 2012, it can be seen that the aggregate number of initiated procedures of the Customs Administration increased in this field of protection from 645 to 2.071, which means the increase of 221%, whereas the *ex officio* procedures decreased from 127 to 44 or for 65,3%, and the number of procedures upon the right holder's request increased from 518 to 2.027 or for 292%.

The number of procedures under which the products were destroyed increased from 455 in 2011 to 1652 in 2012, or for 263%. The number of procedures referred to the court for decisions increased from 20 to 59 cases, or for 195%.

The total amount of the retail value of the detained and destroyed counterfeited goods decreased from 50.448.061,20 EUR in 2011 to 37.922.213,62 EUR in 2012, or for 25%.

STATE INSPECTORATE

In 2012, the State Inspectorate carried out a total of 10.105 inspections related to the protection of intellectual property rights, out of which 743 (7,3%) resulted in making a motion to indict for instituting a misdemeanour trial.

Of the mentioned number of the inspections as carried out, 8.284 (82%) referred to the inspections relating to the protection of copyright and related rights, and 1.821 (18%) to the inspections relating to the protection of industrial property rights.

Of the mentioned number of the motions to indict for instituting a misdemeanour trial, 534 (72%) referred to copyright infringements, and 209 (28%) to industrial property rights infringements.

The aggregate value of the products temporarily detained by the State Inspectorate in 2012, due to the infringements of the provisions covering the field of intellectual property rights, accounted for EUR 367.525,08, due to the infringements of the trademark provisions, and EUR 2.272,81 due to the infringements of the copyright provisions, making a total of EUR 369.897,89.

461 motion to indict were filed due to the copyright infringements of computer programs and at that occasion on 825 computers 1.480 computer programs were found installed without the author's consent.

In 2012, the State Inspectorate temporarily detained 11.409 different products due to the infringement of trademark provisions. The main products were of the three following groups:

- Personal accessories 4.481 pcs. (39%)
- Clothes and clothing accessories 3.265 pcs. (29%)
- Toys, games and sports equipment 2.130 pcs. (19%).

Statistical data comparison for 2011 and 2012

Comparing the years 2011 and 2012, the aggregate number of inspections carried out by the State Inspectorate decreased from 11.212 to 10.105 or for 9,8% and the number of motions to indict for instituting misdemeanour trial decreased from 1.048 to 743 or for 29%.

The number of motions to indict for instituting misdemeanour trial concerning the infringements of copyright decreased from 700 to 534 or for 23% and the number of motions to indict for instituting misdemeanour trial concerning the infringements of industrial property rights decreased from 348 to 209, or for 40%.

The aggregate number of temporarily detained products due to the infringements of the trademark provisions decreased from 41.280 pieces to 11.409 pieces, or for 72%, while the aggregate value in EUR of temporarily detained products increased from EUR 200.319,48 to EUR 367.625,05, or for 83%.

MINISTRY OF THE INTERIOR

In 2012, the Ministry of the Interior reported 164 adult persons for committing 507 criminal offenses in respect of the infringements of intellectual property rights. Of the mentioned number, 90 persons were reported for 318 criminal offenses of copyright and related rights infringement, and 74 persons for 189 criminal offenses of infringement of industrial property rights.

Statistical data comparison for 2011 and 2012

In 2012, the number of persons reported for the commitment of criminal offenses comprising the infringement of intellectual property rights decreased from 181 in 2011 to 164 in 2012, or for 9,3%, but the total number of commitments of these type of criminal offenses increased from 413 in 2011 to 507 in 2012, or for 23%.

STATE ATTORNEY'S OFFICE

In 2012, the State Attorney's Office was reported 222 infringers for committing criminal offences infringing intellectual property rights. 170 of that number were reported for

committing criminal offences infringing copyright and related rights (77%), and 52 for infringing industrial property rights (23%).

The State Attorney's Office passed decisions against 125 perpetrators reported for infringing intellectual property rights. Indictments were filed against 60 perpetrators reported for the infringements of intellectual property rights (48%), 43 criminal reports were rejected (34%), whereas taking of evidence were required in 21 cases (17%), and in 6 cases unknown perpetrators were concerned.

Statistical data comparison for 2011 and 2012

Comparing the years 2011 and 2012, the number of reported infringers of intellectual property rights decreased from 337 to 222, or for 34%.

The number of reported infringers of copyright and related rights infringements decreased from 236 to 170, or for 27%, and the number of reported infringers industrial property rights decreased from 101 to 52, or for 48%.

The number of indictments for the infringements of intellectual property rights decreased from 144 in 2011 to 60 in 2012, or for 58%.

The number of the rejected criminal reports comprising criminal offences infringing intellectual property rights decreased from 54 to 43, or for 20%.

JUDICIARY

Criminal Courts

In 2012, 95 persons were accused for committing criminal offences infringing intellectual property rights. Out of this number, 71 persons (75%) were accused for copyright and related rights infringements, and 24 persons (25%) for infringing industrial property rights.

Of 95 persons accused for criminal offences infringing intellectual property rights, 71 persons (75%) were found guilty. Furthermore, 52 persons were found guilty for

copyright infringements (73%), and 19 persons for infringing industrial property rights (27%).

Of 71 persons found guilty, 5 persons (7%) were imposed an unconditional prison sentence, and 44 persons were imposed a conditional sentence (62%), whereas the rest was imposed other criminal sanctions.

Statistical data comparison for 2011 and 2012

Comparing the years 2011 and 2012, the number of persons accused for criminal offences infringing intellectual property rights decreased from 135 to 95, or for 30%.

The number of persons found guilty for committing the mentioned criminal offences decreased from 105 to 71, or for 32%.

Magistrates' Courts

In 2012, misdemeanour trials were instituted against 6.615 natural and legal persons for infringing the copyright provisions. Following the same, 4.330 persons (65%) were found guilty /responsible for committing a misdemeanour, out of which 2 natural persons were sentenced to imprisonment, and 4.252 natural and legal persons were imposed a fine. The other persons were admonished or reprimanded.

Misdemeanour trials were instituted against 262 natural and legal persons for the infringements of trademark provisions. 210 persons (81%) were found guilty / responsible for committing a misdemeanour, out of which 209 persons were imposed a fine. The other persons were admonished or reprimanded.

Statistical data comparison for 2011 and 2012

Comparing the years 2011 and 2012, the number of natural and legal persons against whom misdemeanour trials were instituted for the infringements of the copyright provisions decreased from 6.721 in 2011 to 6.615 in 2012, or for 1,6%.

The number of natural and legal persons against whom misdemeanour trials were instituted for the infringements of the trademark and other symbols provisions decreased from 380 in 2011 to 262 in 2012, or for 31%.

The number of court cases and duration of procedures

The High Administrative Court of the Republic of Croatia

On 1 January 2012, the High Administrative Court of the Republic of Croatia had 22 pending cases in the field of industrial property rights (legal actions against second degree decisions of the Boards of Appeal in the field of industrial property rights). In 2012, no cases were received, 9 cases were decided and 13 cases were pending at the end of the reported period. In 2012, the largest number of cases (55,5%) in the field of industrial property rights were decided by this court within a period of 1 – 2 years.

Commercial Courts

On 1 January 2012, the competent commercial courts had 1.459 cases pending in the field of intellectual property rights. In 2012, 986 new cases were received, and 1.290 cases were decided (52,8%). Consequently, on 31 December 2012, 1.155 cases were pending in the field of intellectual property rights.

In 2012, the largest number (49,8%) of cases in the field of intellectual property rights were decided by this courts within a period from of 1 – 2 years.

High Commercial Court of the Republic of Croatia

On 1 January 2012, the High Commercial Court of the Republic of Croatia had 318 pending cases in the field of intellectual property rights. In the course of 2012, 197 new cases were received and 287 cases (55,7%) were decided. Consequently, on 31 December 2012, there were 228 pending cases in the field of intellectual property rights.

In 2012, the largest number of cases in the field of intellectual property rights (47,4%) were decided by this court within a period from 6 months to 1 year.

Criminal Courts

In 2012, a total of 95 persons were accused at criminal courts for infringing intellectual property rights, out of which 71 persons (75%) for infringing copyright or related rights and 24 persons (25%) for infringing industrial property rights.

Within a period from 1 to 2 years 15,3% of criminal cases in the field of copyright and related rights were decided, and 20,8% of cases within two to four months. 50% of the criminal cases related to the infringements of industrial property rights were decided within one month.

Magistrate's Courts

In 2012, Magistrate's courts decided in whole 4.296 cases relating to the infringements of the provisions of intellectual property rights. Of these 4.091 cases (95%) referred to the infringements of the copyright provisions, 203 cases (4,7%) referred to the infringements of the trademark and other symbols provisions and 2 cases to the infringements of the patent provisions.

Of the aggregate number of cases decided in 2012 by Magistrate's courts referring to the infringements of the provisions on intellectual property rights, 21,8% of cases referring to the infringements of copyright and related rights and 16,3% of cases referring to the infringements of the trademark provisions were decided within a period from two to four months. 18,8% of cases referring to the infringements of copyright and related rights, 13,3% of cases referring to the infringements of trademark provisions and 100% of cases referring to the patent protection were decided within a period from six to twelve months.

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 report until the criminal court decision in 2012

In 2012, the Ministry of the Interior filed reports against 164 persons for committing a total of 507 criminal offences referring to the infringements of intellectual property rights, the State Attorney's Offices issued decisions against 125 perpetrators of criminal offences for the infringements of intellectual property rights, while criminal courts issued decisions against 95 accused persons.

2.2. Comprehensive course of action of a misdemeanour trial in 2012

In 2012, 4.430 natural persons were accused for infringing the provisions of intellectual property. Out of that number, 2.947 natural persons were found guilty and were imposed sanctions. The majority of fine sentences were imposed, namely 2.921 (99%).

In the same period, 2.453 legal and responsible persons were accused for infringing the provisions of intellectual property. Out of that number, 1.597 legal entities were found responsible and imposed, mostly a fine sentence, 1.544 of them (97%).

Table 2.1.
Comprehensive course of action of the criminal procedure from a criminal report to the court decision in 2012

Criminal offences	Police crime reports	State Attorney Office						Perpetrator unknown	Courts									
		Total	Decisions				Total		Decisions				Sanctions					
			Report rejected	taking of evidence	Investigation suspended	Indictment			Found guilty	Suspension of the criminal procedure	Acquittal	Decision of refusal	Total	Imprisonment		Fine	Other sanctions	
Infringements of the rights of authors or of the rights of performers, Art. 229 CC	1	4	3	0	-	0	0	1	1	0	0	0	3	-	3	0	-	
Unauthorized use of an author's work or of a performer's performance, Art. 230 CC	139	148	31	18	-	44	1	62	44	10	7	1	45	4	32	8	1	
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC	17	18	2	2	-	0	3	8	7	1	0	0						
Infringement of the right conferred by an invention applied for or protected, Art. 232 CC	0	1	0	0	-	0	0	3	1	2	0	0						
Infringement of the industrial property rights and unauthorized use of another person's firm Art. 285 CC	41	51	7	1	-	16	2	21	18	0	1	2	20	1	9	10	0	

Note: A part of the Table referring to criminal sanctions contains data as contained in Tables 7.1.7 and 7.1.8, 7.1.9 and 7.1.10 and 7.1.11

Table 2.2.
Misdemeanour law protection - a comprehensive course of action of the misdemeanour trial in 2012

Misdemeanour offences	Natural persons							Legal and responsible persons					
	Misdemeanour reports	Decisions		Sanctions				Misdemeanour reports	Decisions		Sanctions		
	Total	Accused	Found guilty	Total	Imprisonment	Fine	Reprimand/Admonition	Total	Accused	Found responsible	Total	Fine	Reprimand/Admonition
Infringement of the copyright provisions ("PIRATED COPIES")	4.243	4.243	2.796	2.796	2	2.771	23	2.372	2.372	1.534	1.534	1.481	53
Infringement of the provisions on trademarks and other indications	184	184	149	149	0	148	1	78	78	61	61	61	0
Infringement of the patent and technical improvements provisions	3	3	2	2	0	2	0	3	3	2	2	2	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, body care products, clothes and clothing accessories, footwear, personal accessories, mobile phones, spare parts and accessories, electric/electronic and computer equipment, CDs, DVDs, cassettes and other data carriers, toys, games and sports equipment, tobacco products, medical 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
2008.	225	24	201
2009.	300	144	156
2010.	471	169	302
2011.	645	127	518
2012.	2.071	44	2.027

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

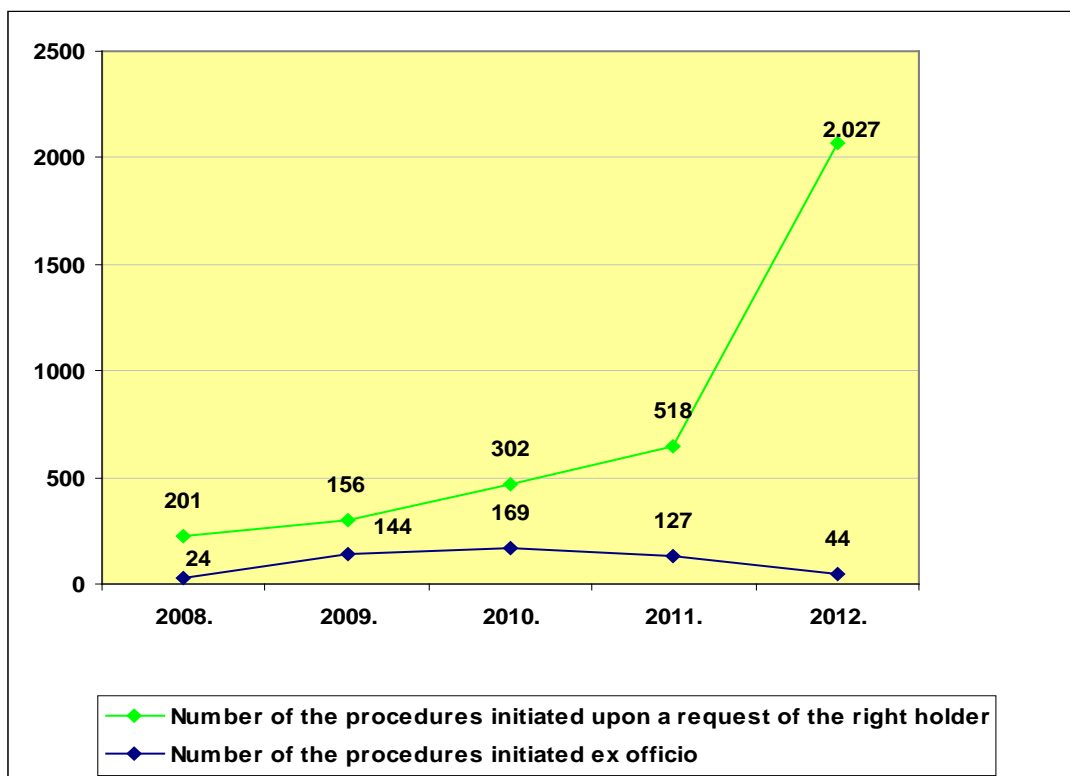


Table 3.2.
Outcomes of the procedures instituted in the cases of infringements
of intellectual property rights
– Customs Administration

	TOTAL	PROCEDURES		
		Goods destroyed	Goods released	Judicial proceedings
2008.	225	141	76	8
2009.	300	146	149	2
2010.	471	254	204	13
2011.	645	455	170	20
2012.	2.071	1.652	161	59

Note: On the day of the preparation of the Customs Report, still 199 procedures were pending.

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

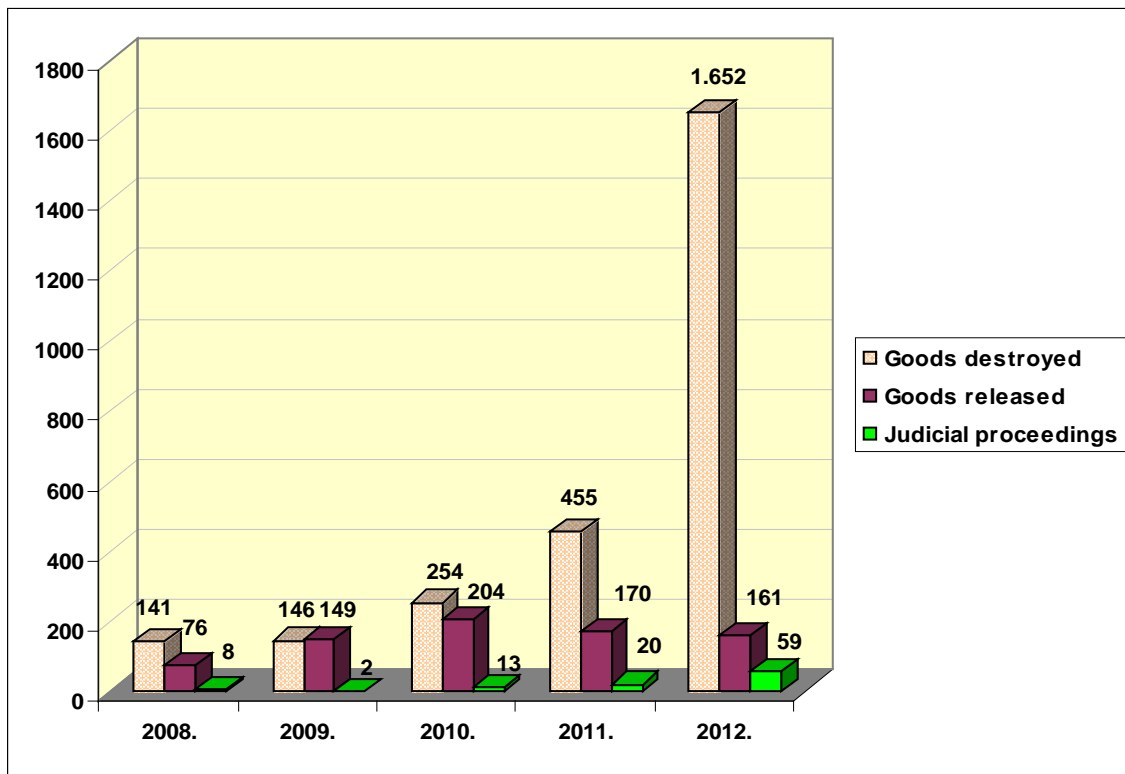


Table 3.3.
The value of destroyed counterfeit goods in EUR
– Customs Administration

	The value of destroyed goods in EUR	Index compared to the previous year
2009.*	15.365.986,39 13.922.629,03	
2010.	23.729.627,73	170
2011.	50.448.061,20	213
2012.	37.922.213,62	75

* 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.

Note: The correction in the Table has been made in accordance with the data provided by the Customs Administration.

Table 3.4.

The number of instituted proceedings and the number of suspected products in portion with the aggregate number, according to the type of products, in the course of 2012

– Customs Administration

Product type	Number of procedures	%	Number of products	%
1. Foodstuffs, alcoholic and other beverages	22	1,00	682.200	45,23
a) foodstuffs	1	0,05	172.800	11,46
b) alcoholic beverages	1	0,05	18.000	1,19
c) other beverages	20	0,91	491.400	32,58
2. Body care products	101	4,57	24.545	1,63
a) perfumes and cosmetics	52	2,35	16.524	1,10
b) other products	49	2,22	8.021	0,53
3. Clothes and clothing accessories	394	17,84	125.598	8,33
a) clothes	327	14,80	55.706	3,69
b) clothing accessories	67	3,03	69.892	4,63
4. Footwear	1.147	51,92	170.396	11,30
a) sports footwear	984	44,55	14.682	0,97
b) other footwear	163	7,38	155.714	10,32
5. Personal accessories	297	13,44	265.548	17,61
a) sunglasses and prescription glasses	56	2,54	66.127	4,38
b) bags	153	6,93	98.586	6,54
c) watches	66	2,99	15.581	1,03
d) jewellery and other accessories	22	1,00	85.254	5,65
6. Mobile phones, parts and implements	25	1,13	3.184	0,21
a) mobile phones	13	0,59	35	0,00
b) parts and implements	12	0,54	3.149	0,21
7. Electrical / electronic and computer equipment	67	3,03	3.592	0,24
a) audio/video devices including spare parts and implements	6	0,27	6	0,00
b) memory cards and sticks				
c) toners and inks	4	0,18	149	0,01

d) computer equipment (hardware) including parts and implements	54	2,44	2.877	0,19
e) other equipment including accessories and spare parts	3	0,14	560	0,04
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	61	2,76	96.528	6,40
a) toys	51	2,31	90.514	6,00
b) games (including electronic game consoles)	5	0,23	2.796	0,19
c) sports equipment (including leisure time equipment)	5	0,23	3.218	0,21
10. Tobacco products	0	0,00	0	0,00
a) cigarettes				
b) other tobacco products				
11. Medical products	5	0,23	3.456	0,23
12. Other	90	4,07	133.267	8,84
a) machines and tools	6	0,27	1.871	0,12
b) vehicles including parts and implements				
c) office supplies	21	0,95	33.094	2,19
d) lighters	1	0,05	3	0,00
e) labels, stickers	20	0,91	42.708	2,83
f) textile products	7	0,32	14.704	0,97
g) packaging material	4	0,18	4.240	0,28
h) other	31	1,40	36.647	2,43
TOTAL	2.209	100	1.508.314	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 suspected products in the course of 2012
- Customs Administration

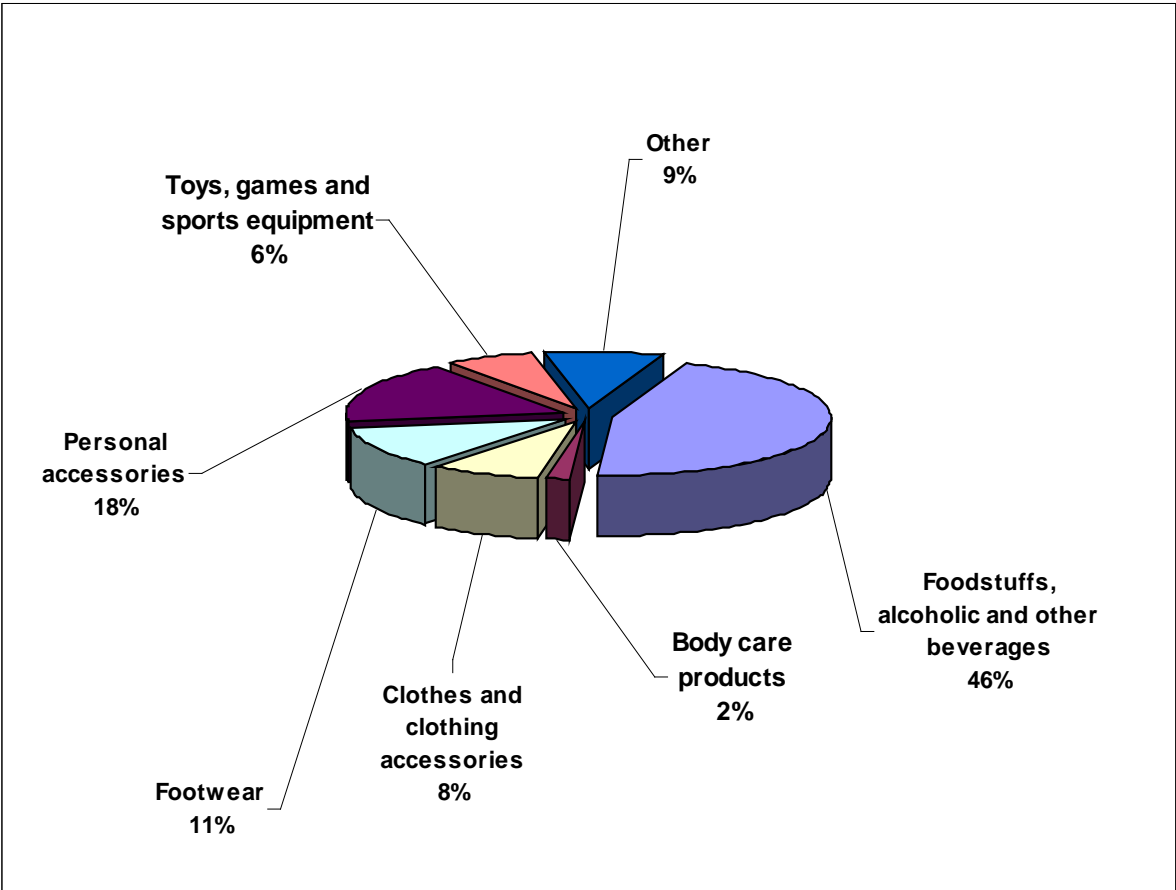


Table 3.5.

The number of initiated procedures according to the types of products and the procedure outcomes in 2012
– Customs Administration

Product type	Goods destroyed	Goods released	Judicial proceedings
1. Foodstuffs, alcoholic and other beverages	1	1	20
a) foodstuffs	1		
b) alcoholic beverages		1	
c) other beverages			20
2. Body care products	73	8	8
a) perfumes and cosmetics	37	6	7
b) other products	36	2	1
3. Clothes and clothing accessories	294	80	2
a) clothes	246	63	2
b) clothing accessories	48	17	
4. Footwear	958	37	4
a) sports footwear	860	24	
b) other footwear	98	13	4
5. Personal accessories	255	28	2
a) sunglasses and prescription glasses	46	7	
b) bags	133	14	2
c) watches	58	4	
d) jewellery and other accessories	18	3	
6. Mobile phones, parts and implements	22	1	0
a) mobile phones	12		
b) parts and implements	10	1	
7. Electrical / electronic and computer equipment	44	7	9

a) audio/video devices including spare parts and implements		4	
b) memory cards and sticks			
c) toners and inks	3	1	
d) computer equipment (hardware) including parts and implements	38	2	9
e) other equipment including accessories and spare parts	3		
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	48	7	8
a) toys	40	5	8
b) games (including electronic game consoles)	4	1	
c) sports equipment (including leisure time equipment)	4	1	
10. Tobacco products	0	0	0
a) cigarettes			
b) other tobacco products			
11. Medical products	1	4	0
12. Other	76	7	9
a) machines and tools	5	1	1
b) vehicles including parts and implements			
c) office supplies	12	4	5
d) lighters	1		
e) labels, stickers	18	1	1
f) textile products	6		1

g) packaging material	4		
h) other	30	1	1
TOTAL	1.772	180	62

Note:

On the day of the preparation of the Customs Report, still 199 procedures were pending.

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 types of goods.

Furthermore, the data on the aggregate number of procedures in Table 3.5 differ from the data on the aggregate number of procedures in Table 3.4, because 4 procedures were recorded following which a part of the goods were released, and a part of the goods destroyed.

Table 3.6.

The number of suspected products according to the type of goods and the outcome of procedure in the course of 2012 – Customs Administration

Product type	Goods destroyed	Goods released	Judicial proceedings
1. Foodstuffs, alcoholic and other beverages	172.800	18.000	491.400
a) foodstuffs	172.800		
b) alcoholic beverages		18.000	
c) other beverages			491.400
2. Body care products	15.590	782	8.160
a) perfumes and cosmetics	13.582	780	2.160
b) other products	2.008	2	6.000
3. Clothes and clothing accessories	102.706	22.435	172
a) clothes	44.447	10.804	172
b) clothing accessories	58.259	11.631	
4. Footwear	133.853	1.017	34.171
a) sports footwear	14.120	456	
b) other footwear	119.733	561	34.171
5. Personal accessories	239.730	16.516	9.001
a) sunglasses and prescription glasses	61.372	4.752	
b) bags	82.027	7.552	9.001
c) watches	15.206	84	
d) jewellery and other accessories	81.125	4.128	
6. Mobile phones, parts and implements	2.758	417	0
a) mobile phones	34		
b) parts and implements	2.724	417	
7. Electrical / electronic and computer equipment	3.550	23	11
a) audio/video devices including spare parts and implements		4	
b) memory cards and sticks			

c) toners and inks	132	17	
d) computer equipment (hardware) including parts and implements	2.858	2	11
e) other equipment including accessories and spare parts	560		
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	83.855	4.505	8.168
a) toys	78.489	3.857	8.168
b) games (including electronic game consoles)	2.508	288	
c) sports equipment (including leisure time equipment)	2.858	360	
10. Tobacco products	0	0	0
a) cigarettes			
b) other tobacco products			
11. Medical products	3.240	216	0
12. Other	97.512	6.130	29.625
a) machines and tools	202	97	1.572
b) vehicles including parts and implements			
c) office supplies	27.040	3.048	3.006
d) lighters	3		
e) labels, stickers	18.659	2.930	21.119
f) textile products	11.784		2.920
g) packaging material	4.240		
h) other	35.584	55	1.008
TOTAL	855.594	70.041	580.708

Note: On the day of the preparation of the Customs Report, procedures concerning 1.971 suspected products were not yet concluded.

Table 3.7.

The value of destroyed counterfeit goods expressed in EUR and the proportions to the aggregate value according to the types of goods, in the course of 2012 – Customs Administration

Product type	Value in €	%
1. Foodstuffs, alcoholic and other beverages	34.560,00	0,09
a) foodstuffs	34.560,00	0,09
b) alcoholic beverages		
c) other beverages		
2. Body care products	873.912,78	2,30
a) perfumes and cosmetics	860.902,78	2,27
b) other products	13.010,00	0,03
3. Clothes and clothing accessories	4.258.050,32	11,23
a) clothes	2.153.894,86	5,68
b) clothing accessories	2.104.155,46	5,55
4. Footwear	6.665.126,20	17,58
a) sports footwear	1.210.561,60	3,19
b) other footwear	5.454.564,60	14,38
5. Personal accessories	24.639.839,96	64,97
a) sunglasses and prescription glasses	8.019.434,70	21,15
b) bags	5.792.924,32	15,28
c) watches	6.471.744,20	17,07
d) jewellery and other accessories	4.355.736,74	11,49
6. Mobile phones, parts and implements	51.550,30	0,14
a) mobile phones	17.452,27	0,05
b) parts and implements	34.098,03	0,09
7. Electrical / electronic and computer equipment	124.561,27	0,33
a) audio/video devices including spare parts and implements		
b) memory cards and sticks		
c) toners and inks	9.135,00	0,02

d) computer equipment (hardware) including parts and implements	97.473,33	0,26
e) other equipment including accessories and spare parts	17.952,94	0,05
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	723.880,16	1,91
a) toys	638.620,44	1,68
b) games (including electronic game consoles)	38.585,64	0,10
c) sports equipment (including leisure time equipment)	46.674,08	0,12
10. Tobacco products	0,00	0,00
a) cigarettes		
b) other tobacco products		
11. Medical products	51.840,00	0,14
12. Other	498.892,63	1,32
a) machines and tools	56.664,94	0,15
b) vehicles including parts and implements	95.969,10	0,25
c) office supplies		
d) lighters	360,00	0,00
e) labels, stickers	45.895,00	0,12
f) textile products	154.894,67	0,41
g) packaging material	10.600,00	0,03
h) other	134.508,92	0,35
TOTAL	37.922.213,62	100

4. STATE INSPECTORATE - DATA ON THE NUMBER OF CARRIED OUT INSPECTIONS AND THE NUMBER OF MOTIONS TO INDICT FOR INSTITUTING A 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 the trademark rights (counterfeits).

Data on the inspections carried out (since 1 January 2010 the aggregate number of inspections relating to the copyright protection has been monitored) include the presentations of 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 motions to indict 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 motions to indict 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 motions to indict and misdemeanour reports).

Data on the inspections carried out over the protection of industrial property, include the presentation of statistical data on:

- inspections related to the circulation of products designated by a protected trademark without an authorisation of the trademark owner - counterfeits (the number of inspections, the number of provisionally detained goods and their

value in EUR, and the number of presented motions to indict and misdemeanour reports),

- specifications and quantities of goods as provisionally detained in compliance with the Trademark Act,
- inspections related to the circulation of goods carried out according to a protected invention (the number of inspections, the number of goods as provisionally detained and their value in EUR, and the number of motions to indict as presented),
- 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 motions to indict 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 2012 – State Inspectorate

Infringements of provisions		Number of inspections conducted	Number of motions to indict and misdemeanour reports	Value of temporary seized goods in EUR
TOTAL		10.105	743	369.869,86
Copyright	Musical and cinematographic works	8.284*	70	2.272,81
	Computer programs		461	0
	Circulation and reproduction of books		3	0
Total Copyright		8.284	534	2.272,81
Industrial Property	Infringements of the trademark provisions	1.760	193	367.625,08
	Infringements of the patent provisions	0	0	0,00
	Infringements of the industrial design provisions	55	16	0,00
	Infringements of the geographical indications provisions	6	0	0,00
Total Industrial Property		1.821	209	367.625,08

* Since 1 January 2010, the State Inspectorate of the Republic of Croatia has been monitoring the total number of inspections as carried out concerning copyright protection

Chart 4.1.
Data on the infringements of intellectual property rights in 2012 – State Inspectorate

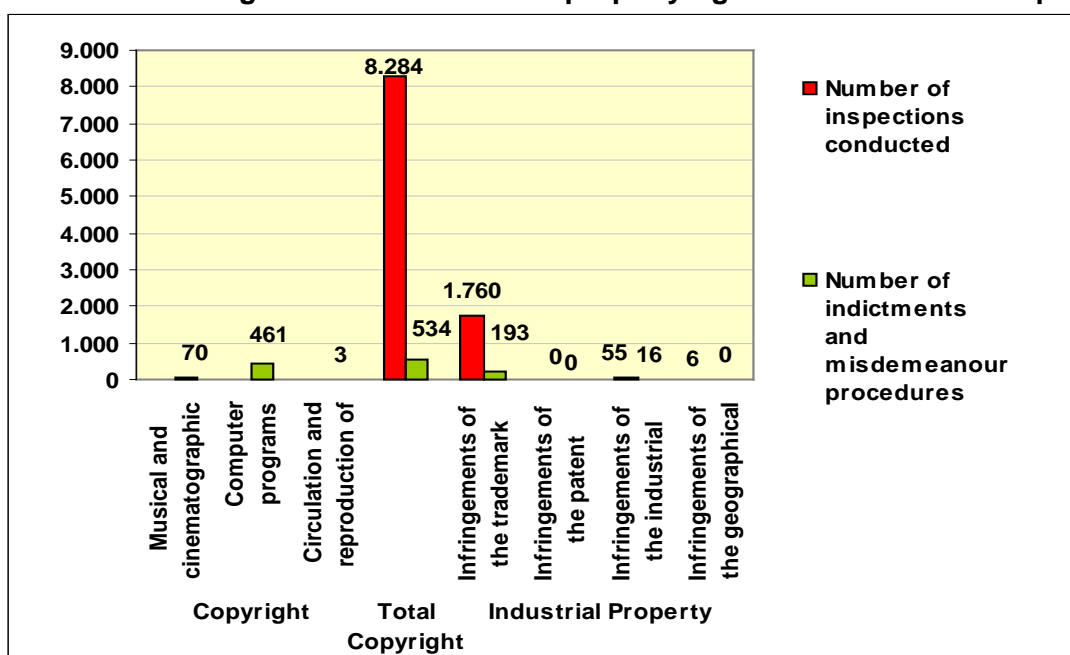


Table 4.2.
Indices – State Inspectorate

	<u>2008.</u> <u>2007.</u>	<u>2009.</u> <u>2008.</u>	<u>2010.</u> <u>2009.</u>	<u>2011.</u> <u>2010.</u>	<u>2012.</u> <u>2011.</u>
Infringement of copyright	296	144	180	110	93
Infringement of industrial property	173	67	114	90	79
Inspections conducted	215	103	157	104	90
Number of motions to indict and misdemeanour reports	117	83	147	111	71

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

Year	Number of inspections	Motions to Indict and misdemeanour reports under the CRRA		Number of computers as inspected	Number of computers in which a computer program has been installed without the author's authorization	Illegally installed computer programs as found	
		Number	%			Number of computer programs	Value in €
2008.	1.269	260	20,5	1.950	510	925	not available
2009.	1.642	253	15,4	3.156	434	907	not available
2010.	not available	454		3.790	511	970	not available
2011.	not available	562		4.621	695	1.342	not available
2012.	not available	461		4.547	825	1.480	not available

CRRA – Copyright and Related Rights Act

*Since 1 January 2010, the State Inspectorate of the Republic of Croatia has been monitoring a total number of inspections as carried out 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 on audio and video carriers without the author's consent (pirated copies) - State Inspectorate

Year	Number of inspections in which a misdemeanour was found and the number of motions to indict and misdemeanour reports under the CRRA*	Audio and video carriers as temporarily seized	
		Number of pieces	Value in €
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
2012.	70	1.777	2.272,81

*CRRA – Copyright and Related Rights Act

Chart 4.2.

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

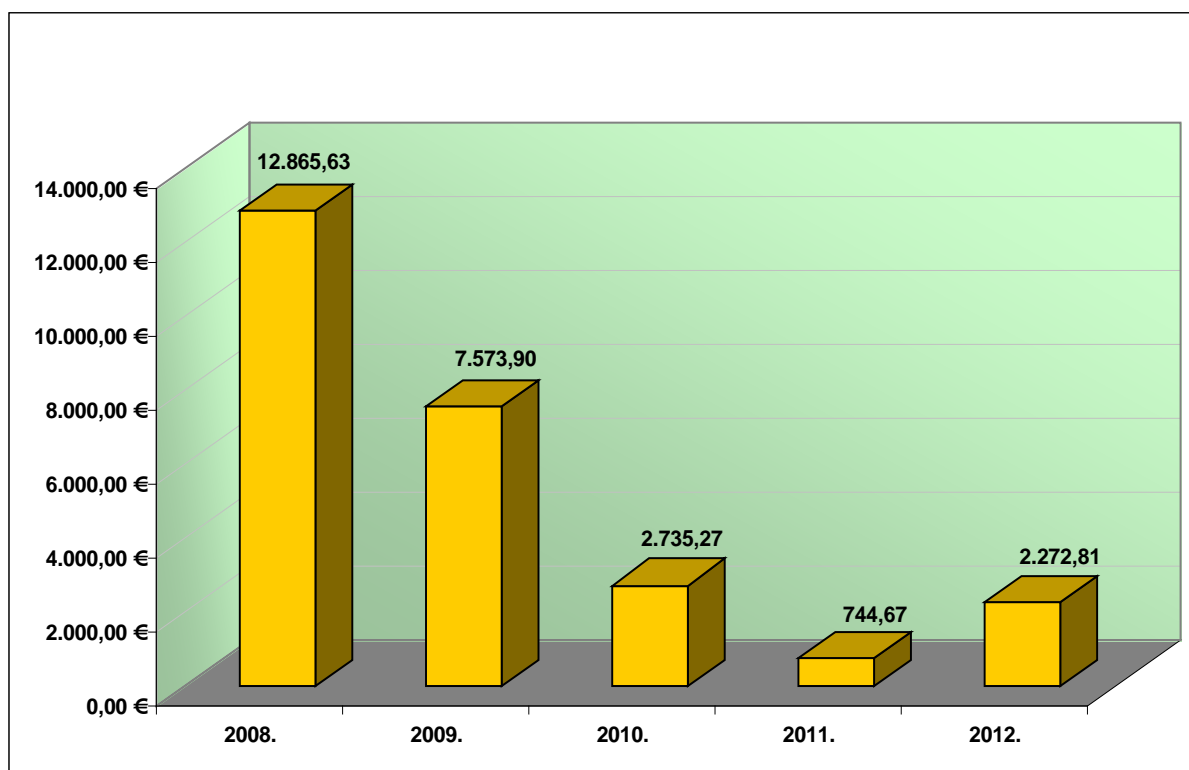


Table 4.5.
Inspections of the circulation and reproduction of books without the author's and publisher's consent
- State Inspectorate

Year	Number of inspections	Number of indictments and misdemeanour procedures under the CRRA	Provisionally seized goods - books	
			Number of pieces	Value in €
2008.	67	2	2	15
2009.	94	6	59	403,43
2010.	not available*	4	4	15,75
2011.	not available*	2	0	0
2012.	not available*	3	0	0

CRRA – Copyright and Related Rights Act

*Since 1 January 2010, the State Inspectorate of the Republic of Croatia has been monitoring the aggregate number of inspections as carried out concerning copyright protection.

Table 4.6.

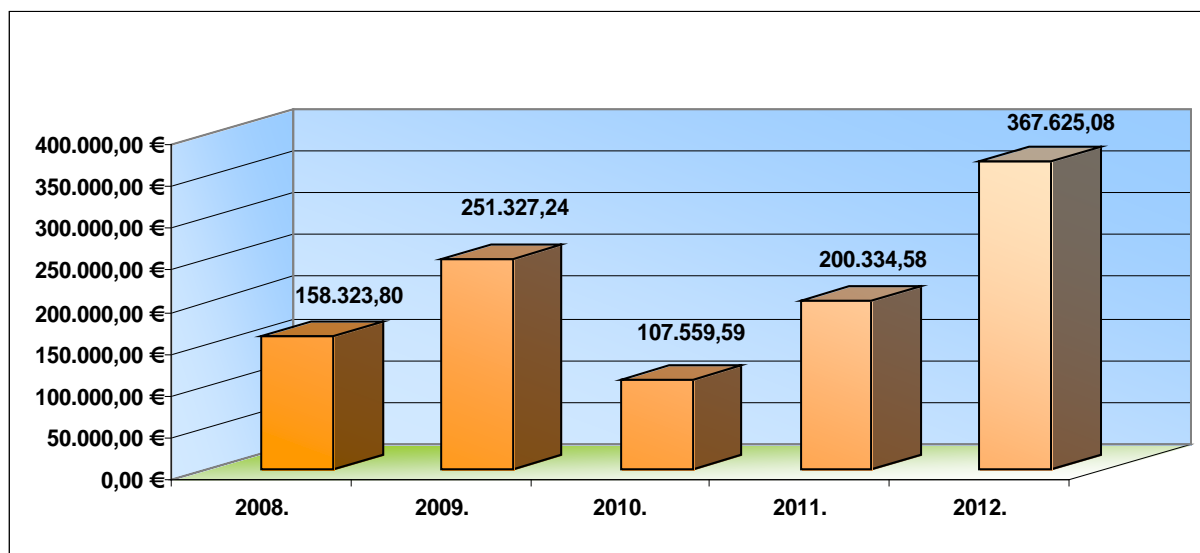
**Inspections of the circulation of products designated by a protected mark – a trademark, without a trademark holder’s consent (counterfeits)
- State Inspectorate**

Year	Number of inspections	Number of motions to indict and misdemeanour reports under the TA*		Provisionally seized goods	
		Number	%	Number of pieces	Value of goods in €
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
2012.	1.760	193	10,96	11.409	367.625,08

*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 for infringing the trademark provisions, 2012 – State Inspectorate

TYPE OF GOODS	2011			2012		
	Pieces	%	Value in €	Pieces	%	Value in €
1. Foodstuffs, alcoholic and other beverages	7	0,02	64,52	230	2,02	237.620,61
a) foodstuffs				230	2,02	237.620,61
b) alcoholic beverages	7	0,02	64,52			
c) other beverages						
2. Body care products	26	0,06	77,74	0	0,00	0,00
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	3.265	28,61	36.921,53
a) clothes	6.149	14,90	100.646,78	1.541	13,50	21.118,63
b) clothing accessories	16.226	39,31	25.122,93	1.724	15,11	15.802,91
4. Footwear	12.189	29,53	29.295,53	75	0,66	838,7
a) sports footwear	110	0,27	5.822,67	9	0,08	244,25
b) other footwear	12.079	29,26	23.472,86	66	0,58	594,45
5. Personal accessories	1.145	2,77	33.862,12	4.481	39,26	50.276,72
a) sunglasses and prescription glasses	361	0,87	2.871,88	3.171	27,79	31.847,67
b) bags	687	1,66	30.206,91	1.048	9,18	15.202,11

c) watches	93	0,23	735,92	247	2,16	3.165,12
d) jewellery and other accessories	4	0,01	47,41	15	0,13	61,82
6. Mobile phones, parts and implements	0	0,00	0,00	0	0,00	0,00
a) mobile phones						
b) parts and implements						
7. Electric / electronic and computer equipment	6	0,01	465,34	0	0,00	0,00
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	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	2.130	18,66	1.150,59

a) toys	4.896	11,86	3.617,37	1.889	16,55	744,78
b) games (including electronic game consoles)	15	0,04	36,00	6	0,05	9,51
c) sports equipment (including leisure time equipment)	10	0,02	86,49	235	2,06	396,30
10. Tobacco products	0	0,00	0,00	0	0,00	0,00
a) cigarettes						
b) other tobacco products						
11. Medical products	0	0,00	0,00	0	0,00	0,00
12. Other	611	1,48	7.044,66	1.228	10,76	40.817,30
a) machines and tools				183	1,60	20.222,91
b) vehicles, including parts and implements						
c) office supplies	1					
d) lighters						
e) labels, stickers				12	0,11	0,79
f) textile products	49	0,12	454,70			
g) packaging material				8	0,07	10,57
h) other	561	1,36	6.589,96	1.025	8,98	20.583,03
TOTAL	41.280	100,00	200.319,48	11.409	100,00	367.625,05

*NOTE: This method of presenting data was introduced on 1 January 2011

Chart 4.4.
Proportion of the particular types of provisionally detained goods for infringing trademark provisions in 2012
– State Inspectorate

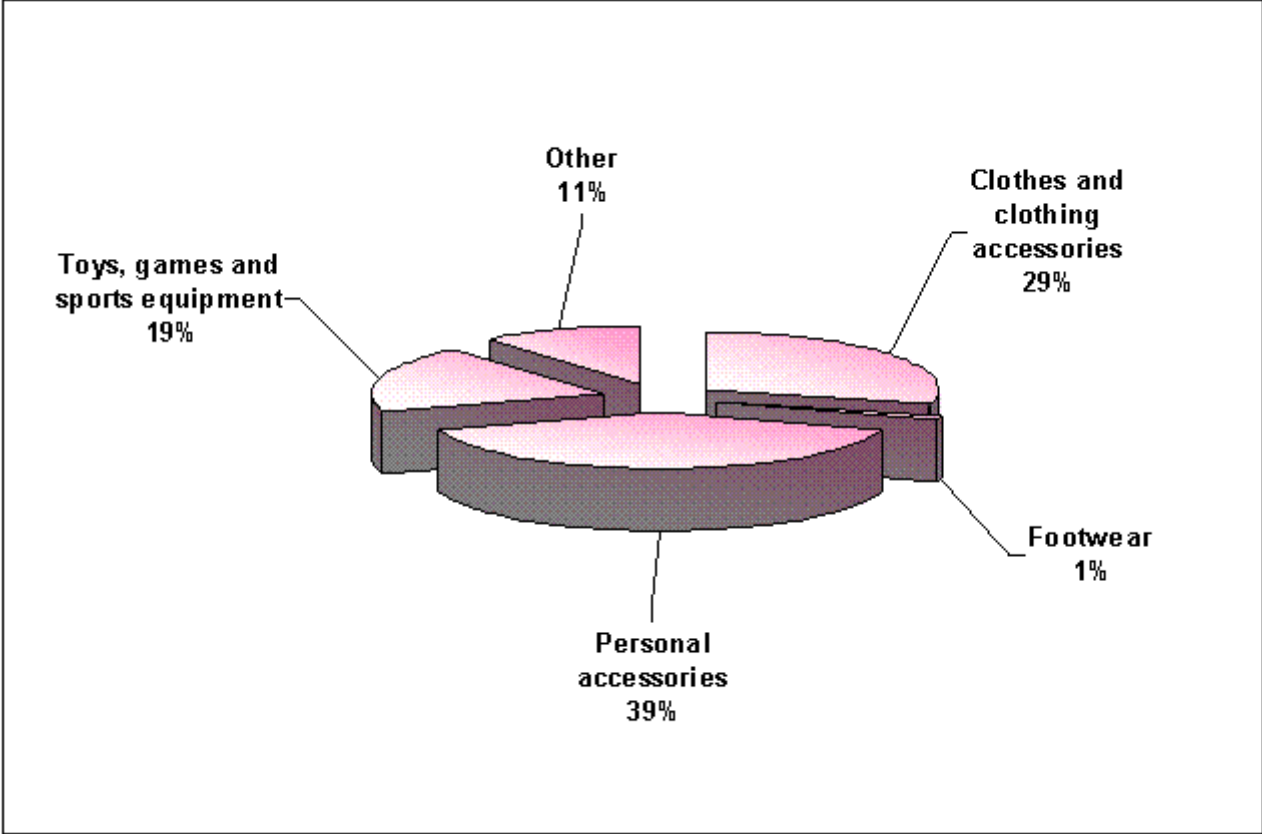


Table 4.8.**Inspections relating to the circulation of products made according to a protected invention – State Inspectorate**

Year	Number of inspections	Motions to indict presented under the PA*	Provisionally seized goods	
			Number of pieces	Value in €
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
2012.	0	0	0	0,00

*PA – Patent Act

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

Year	Number of inspections	Number of motions to indict and misdemeanour reports under the IDA*	Provisionally seized goods	
			Number of pieces	Value in €
2008.	7	4	282	1.905,40
2009.	32	3	16	71,87
2010.	41	2	2	120,54
2011.	55	7	0	31.537,92
2012.	55	16	0	0,00

*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)	Goods withdrawn from circulation	
			Number of pieces	Value in €
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
2012.	6	0	0	0,00

*FA – Food Act

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

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

Data have been presented concerning the number of criminal offences relating to the infringements of intellectual property rights, and the number of reported perpetrators of this type of criminal offences (up to 2010, data on the number of criminal reports as filed were monitored).

Since 1 January 2011, the data on the number of criminal offences and the number of persons reported have been monitored, as well as the data on the number of provisionally detained goods.

With regard to the fact that the manner of collecting and recording of data by the Ministry of the Interior and the State Attorney's Office of HR differs to a certain extent, the data provided by these two institutions are not completely comparable.

Where one person committed two or more criminal offences, he/she shall be entered in statistical tables only once, and that for the most serious criminal offence.

When processing a criminal report as filed, the State Attorney's Office may in the continuation of processing make a legal prequalification of a criminal offence, which may also affect the statistical recording and reporting.

Table 5.1.
Data on the infringements of intellectual property rights, 2009-2012
- Ministry of the Interior

Criminal offences		Number of criminal reports (against known perpetrators)		Number of criminal offences and the number of reported persons*			
		2009	2010	2011.		2012.	
				Criminal offences	Reported persons	Criminal offences	Reported persons
Infringements of copyrights	Infringement of the rights of authors or of the rights of performers, Article 229 CC	2	1	0	0	0	0
	Unauthorized use of an author's work or of a performer's performance, Article 230 CC	112	129	192	106	253	90
	Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	12	18	81	2	65	0
Total copyrights		126	148	273	108	318	90
Infringements of industrial property rights	Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	0	5	2	3	1	1
	Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	100	86	138	70	188	73
Total industrial property rights		100	91	140	73	189	74
TOTAL		226	239	413	181	507	164

* Since 1 January 2011, the data on the number of criminal offences and the number of persons reported have been monitored. The perpetrators of multiple offences are recorded only once, and that for the most serious criminal offence.

Chart 5.1.
Data on the infringements of intellectual property rights in 2012, Ministry of the Interior

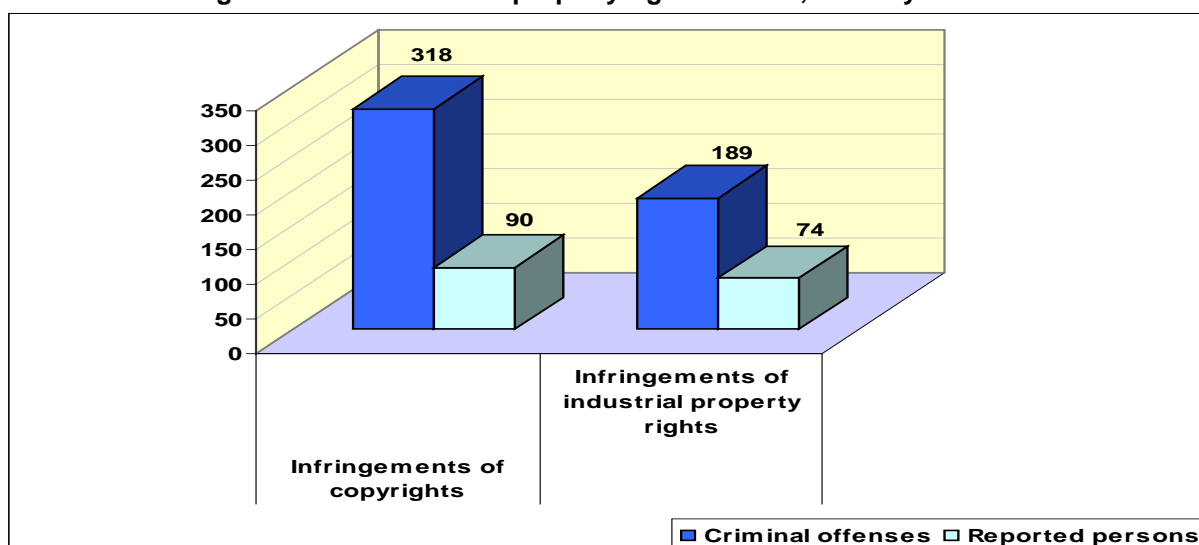


Table 5.2.
Data on the infringements of intellectual property rights -
Number of provisionally detained goods, 2012
- Ministry of the Interior

Product Type	2011.		2012.	
	Number of products	%	Number of products	%
1. Foodstuffs, alcoholic and other beverages	0	0,0	0	0,00
a) foodstuffs				
b) alcoholic beverages				
c) other beverages				
2. Body care products	1	0,01	0	0,00
a) perfumes and cosmetics	1	0,01		
b) other products				
3. Clothes and clothing accessories	2.835	26,6	3.181	13,29
a) clothes	2.764	25,8	3.007	12,56
b) clothing accessories	89	0,8	174	0,73
4. Footwear	2.596	24,3	436	1,82
a) sports footwear	2.424	22,7		
b) other footwear	172	1,6	436	1,82
5. Personal accessories	1.062	9,95	14.689	61,33

a) sunglasses and prescription glasses	450	4,22	5.625	23,49
b) bags	153	1,43	1.410	5,89
c) watches	47	0,44	6.731	28,10
d) jewellery and other accessories	412	3,86	923	3,85
6. Mobile phones, parts and implements	1	0,01	38	0,16
a) mobile phones	1	0,01	9	0,04
b) parts and implements			29	0,12
7. Electric / electronic and computer equipment	37	0,32	129	0,54
a) audio/video devices including parts and implements	3	0,02	31	0,13
b) memory cards and sticks	3	0,02	48	0,20
c) toners and inks				
d) computer programs (hardware) including parts and implements	26	0,24	50	0,21
e) other equipment including accessories and spare parts	5	0,04		
8. CDs, DVDs, cassettes and other data carriers	4.123	38,64	5.149	21,50
a) recorded (music, film, programs, games)	2.246	21,05	4.593	19,18
b) unrecorded	1.877	17,59	556	2,32

9. Toys, games and sports equipment	13	0,12	113	0,47
a) toys			113	0,47
b) games (including electronic game consoles)	13	0,12		
c) sports equipment (including leisure time equipment)				
10. Tobacco products	0	0,00	0	0,00
a) cigarettes				
b) other tobacco products				
11. Medical products	0	0,00	0	0,00
12. Other	1	0,01	214	0,89
a) machines and tools			11	0,04
b) vehicles, including parts and implements				
c) office supplies				
d) lighters				
e) labels, stickers				
f) textile products			21	0,08
g) packaging material				
h) other	1	0,01	182	0,76
TOTAL	10.669	100,00	23.949	100,00

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

For the purpose of presenting statistical data within the competence of the State Attorney's 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's offices, as well as the number of unknown perpetrators of the mentioned criminal offences.

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

With regard to the fact that the manner of collecting and recording of data by the Ministry of the Interior and the State Attorney's Office of HR differs to a certain extent, the data provided by these two institutions are not completely comparable.

When processing a criminal report as filed, the State Attorney's Office may in the continuation of processing make a legal prequalification of a criminal offence, which may also affect the statistical recording and reporting.

Table 6.1.
Criminal offences infringing intellectual property rights – decisions issued by state attorney’s offices in 2012
- State Attorney’s Office

	Reported offenders total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Taking of evidence	Indictment filed	Total pending cases*	
TOTAL	222	198	125	43	21	60	97	6

*Since 1 January 2011, the data on the number of offenders reported by the Ministry of the Interior for the criminal offences comprising the infringement of intellectual property rights have been monitored separately, as well as the number of pending reports for known offenders.

Chart 6.1.
The types of decisions issued in 2012 - State Attorney’s Office

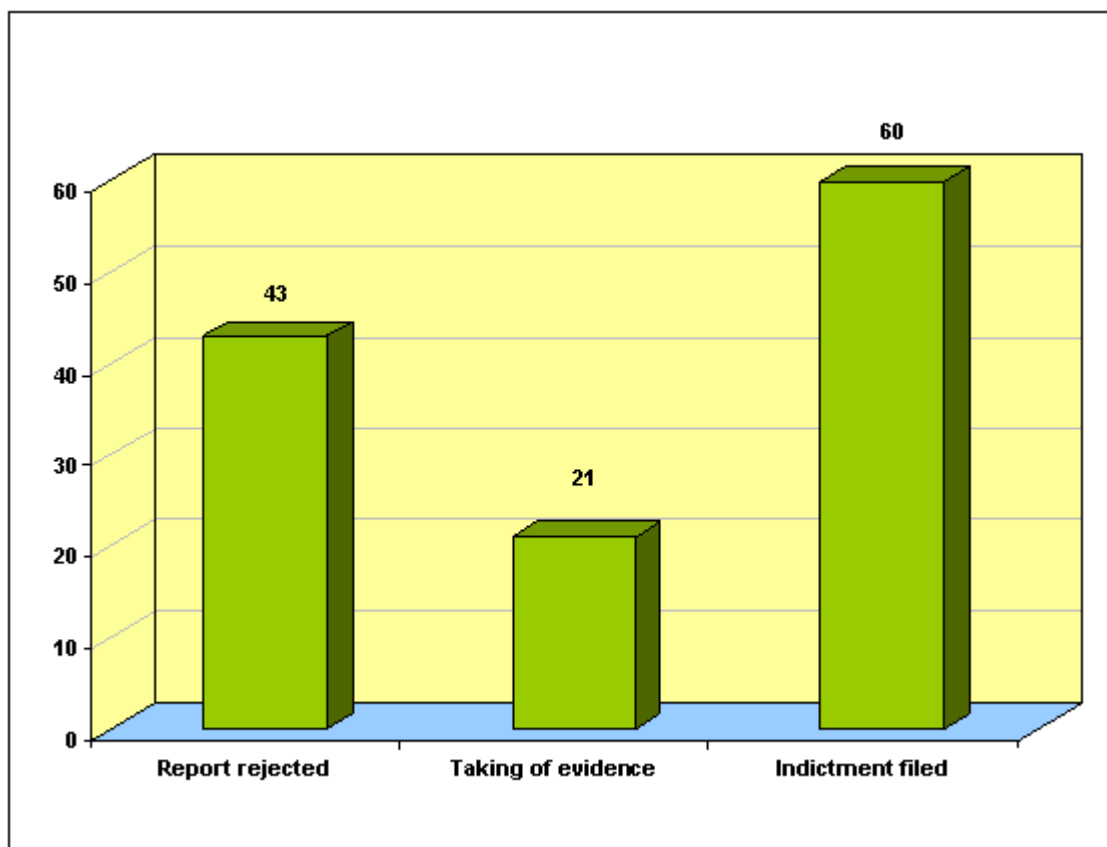


Table 6.2.

**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’s Office**

	Reported offenders total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Taking of evidence	Indictment filed	Total pending cases*	
2003.	4		3	2	0	1		
2004.	6		4	4	0	0		
2005.	3		3	3	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
2012.	4	1	3	3	0	0	1	0

*Since 1 January 2011, the data on the number of offenders reported by the Ministry of the Interior for the criminal offenses comprising the infringement of intellectual property rights have been monitored separately, as well as the number of pending reports for known offenders.

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’s Office**

	Reported offenders total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Taking of evidence	Indictment filed	Total pending cases*	
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
2012.	148	139	92	31	18	44	56	1

*Since 1 January 2011, the data on the number of offenders reported by the Ministry of the Interior for the criminal offenses comprising the infringement of intellectual property rights have been monitored separately, as well as the number of pending reports for known offenders.

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

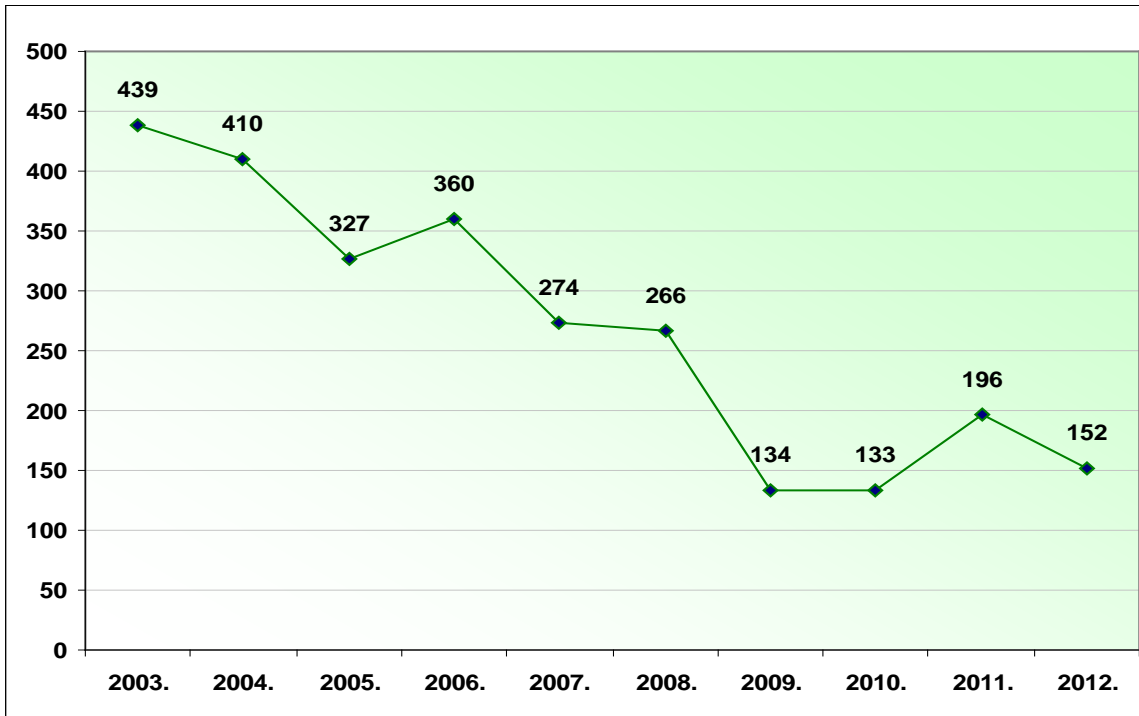


Chart 6.3.
Trends of criminal reports rejections concerning the infringements of copyright
(aggregate data of Tables 6.2. and 6.3.) – State Attorney’s Office

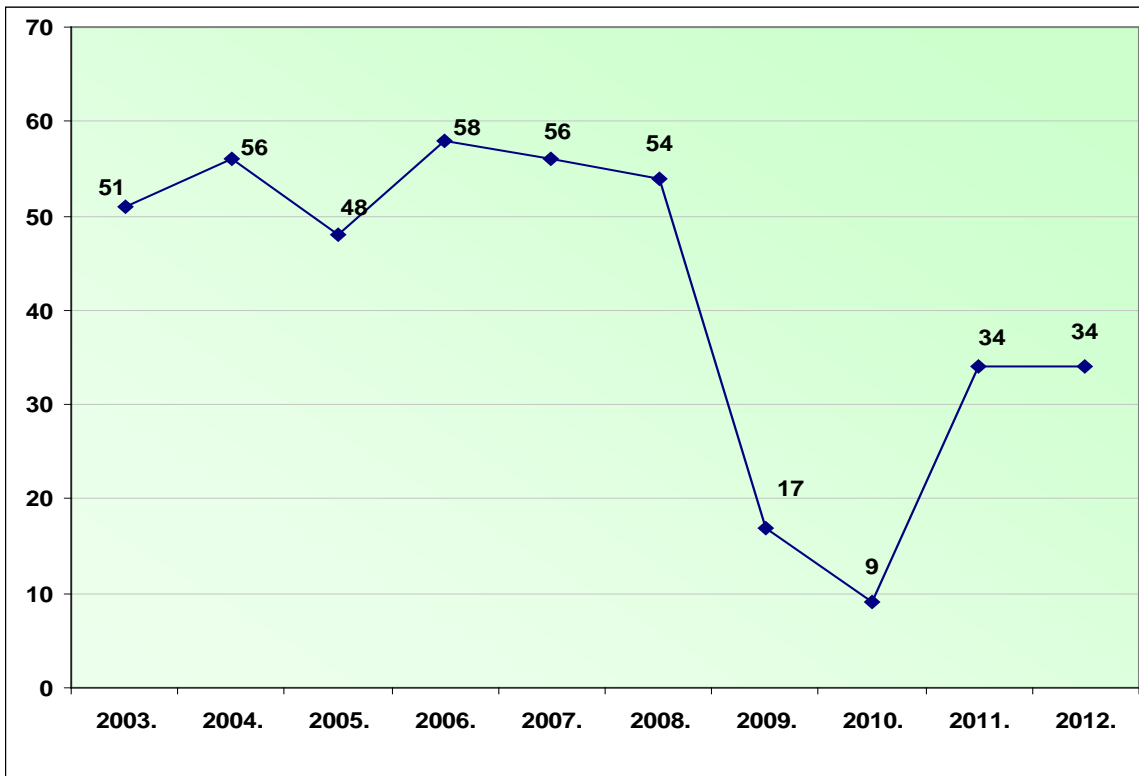


Chart 6.4.
Trends of motions to indict filed for criminal offences comprising copyright infringement (the aggregate data of Tables 6.2. and 6.3.)
– State Attorney’s Office

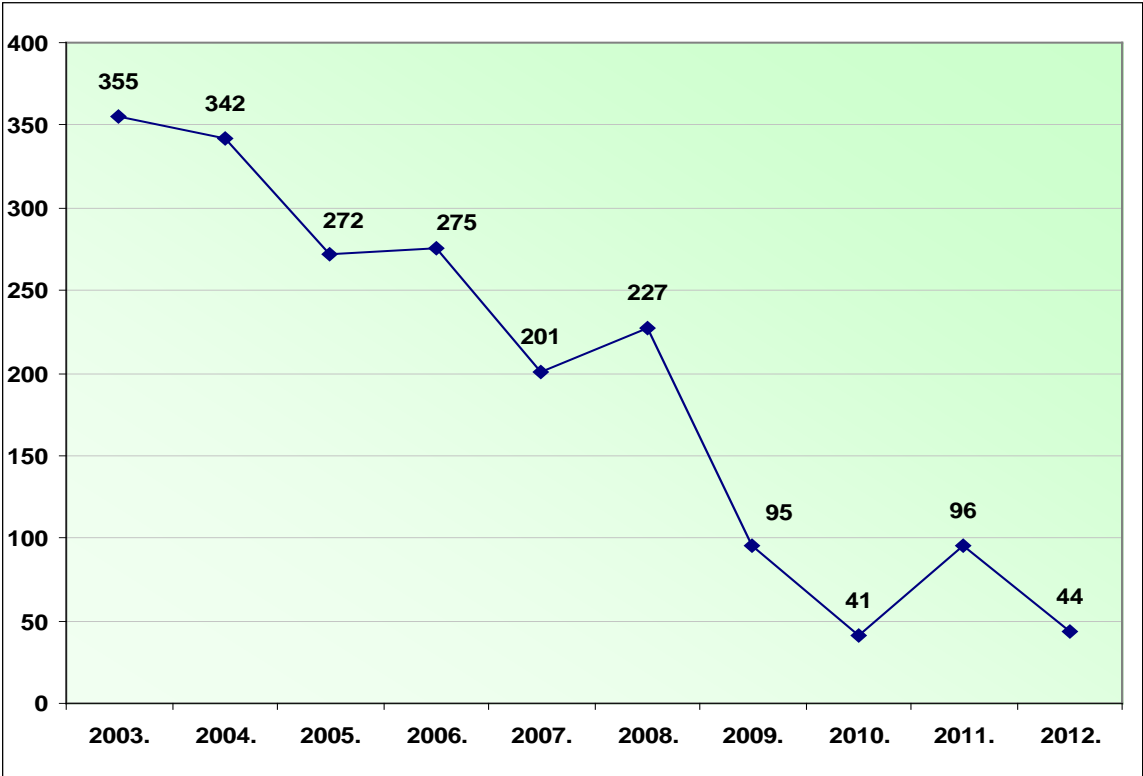


Table 6.4.

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

	Reported offenders total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Taking of evidence	Indictment filed	Total pending cases*	
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	0
2012.	18	17	5	2	2	0	13	3

*Since 1 January 2011, the data on the number of offenders reported by the Ministry of the Interior for the criminal offenses comprising the infringement of intellectual property rights have been monitored separately, as well as the number of pending reports for known offenders.

Chart 6.5.

Trends in the total number of cases closed - Infringement of the rights of producers of phonograms or videograms and the rights related to radio broadcastings, Art. 231 CC - State Attorney's Office

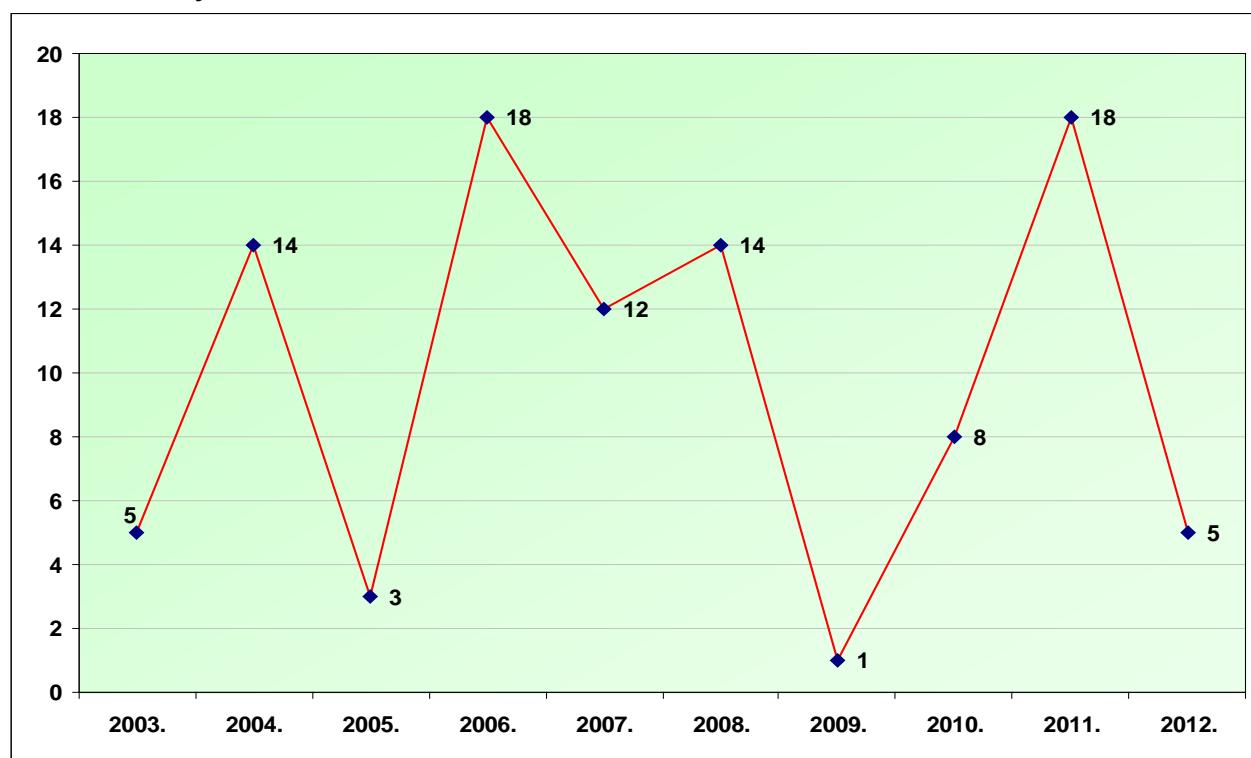


Table 6.5.

**Adult persons reported, according to the legal form of decisions for a criminal offence
Infringement of the right conferred by an invention applied for or protected, Art. 232 CC,
- State Attorney's Office**

	Reported offenders total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Taking of evidence	Indictment filed	Total pending cases*	
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
2012.	1	0	0	0	0	0	1	0

*Since 1 January 2011, the data on the number of offenders reported by the Ministry of the Interior for the criminal offenses comprising the infringement of intellectual property rights have been monitored separately, as well as the number of pending reports for known offenders.

Chart 6.6.

Trends in the total number of cases closed - Infringements of the rights conferred by an invention applied for or protected, Art. 232 CC - State Attorney Office

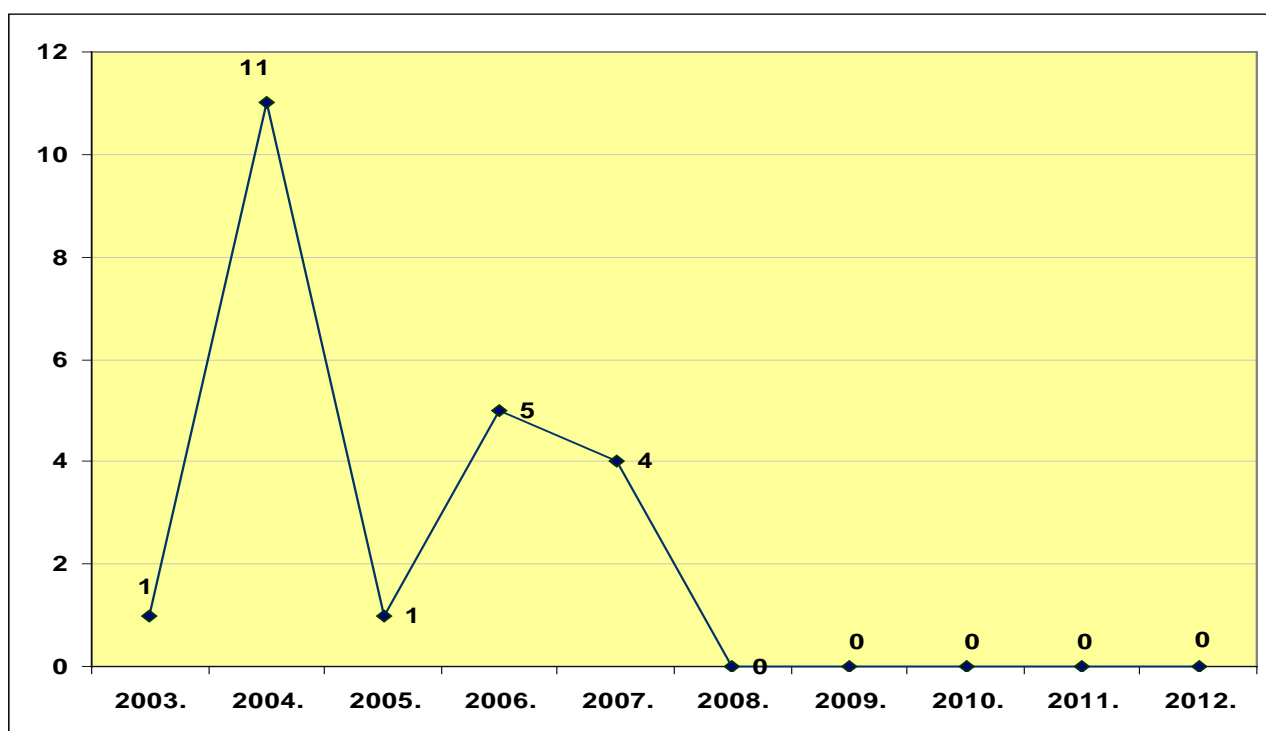


Table 6.6.

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 firm, Art. 285 CC - State Attorneys Office

	Reported offenders total	Of these reported by MOI*	Known offenders					Unknown offenders
			Total cases closed	Report rejected	Taking of evidence	Indictment filed	Total pending cases*	
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	53	16	3	34	44	1
2012.	51	41	25	7	1	16	26	2

*Since 1 January 2011, the data on the number of offenders reported by the Ministry of the Interior for the criminal offenses comprising the infringement of intellectual property rights have been monitored separately, as well as the number of pending reports for known offenders

Chart 6.7.

Trends in the total number of cases closed - Infringement of industrial property rights and an unauthorized use of another person's firm - State Attorney's Office

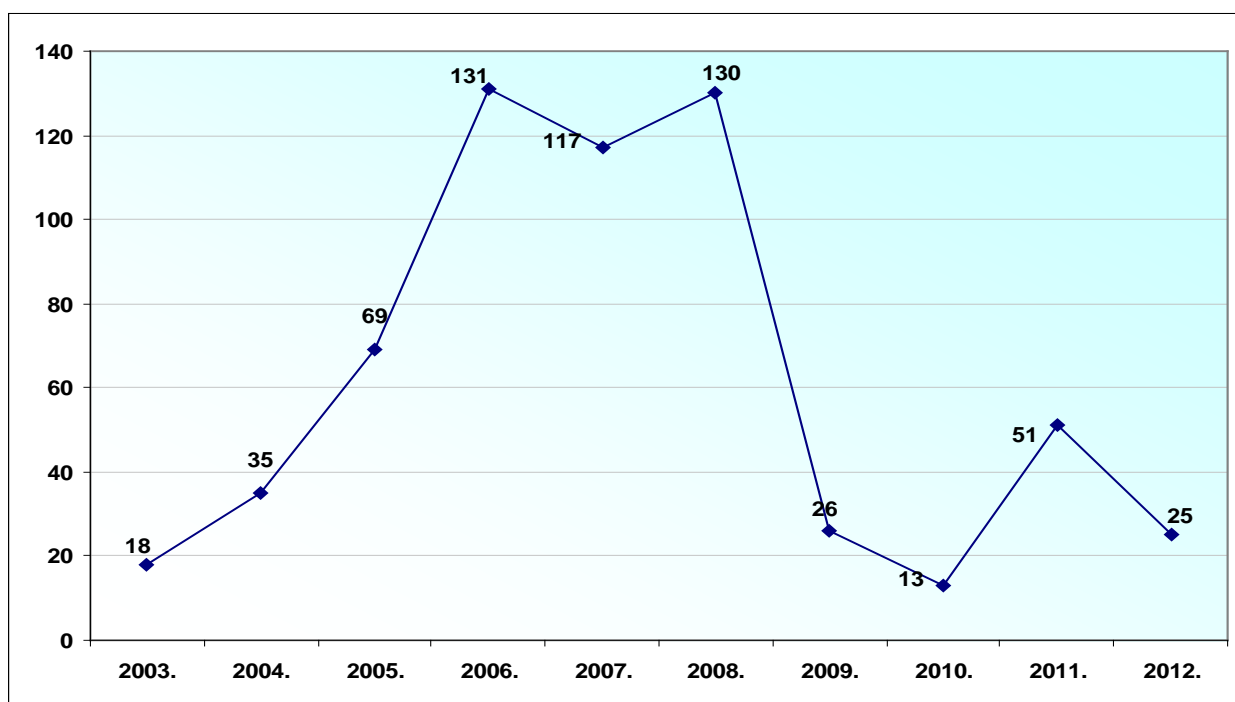


Chart 6.8.
Trends in rejecting criminal reports for the infringements of industrial property rights - State Attorney's Office

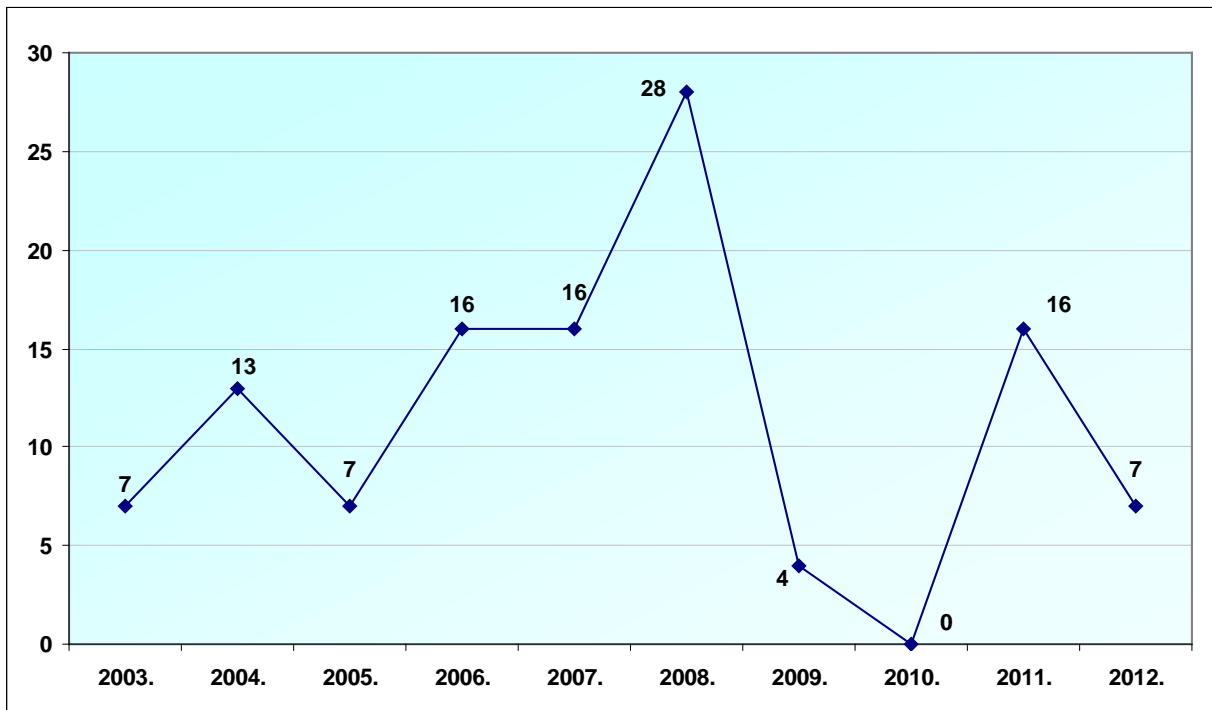


Chart 6.9.
Trends in indictments filed against the infringements of industrial property rights - State Attorney's Office

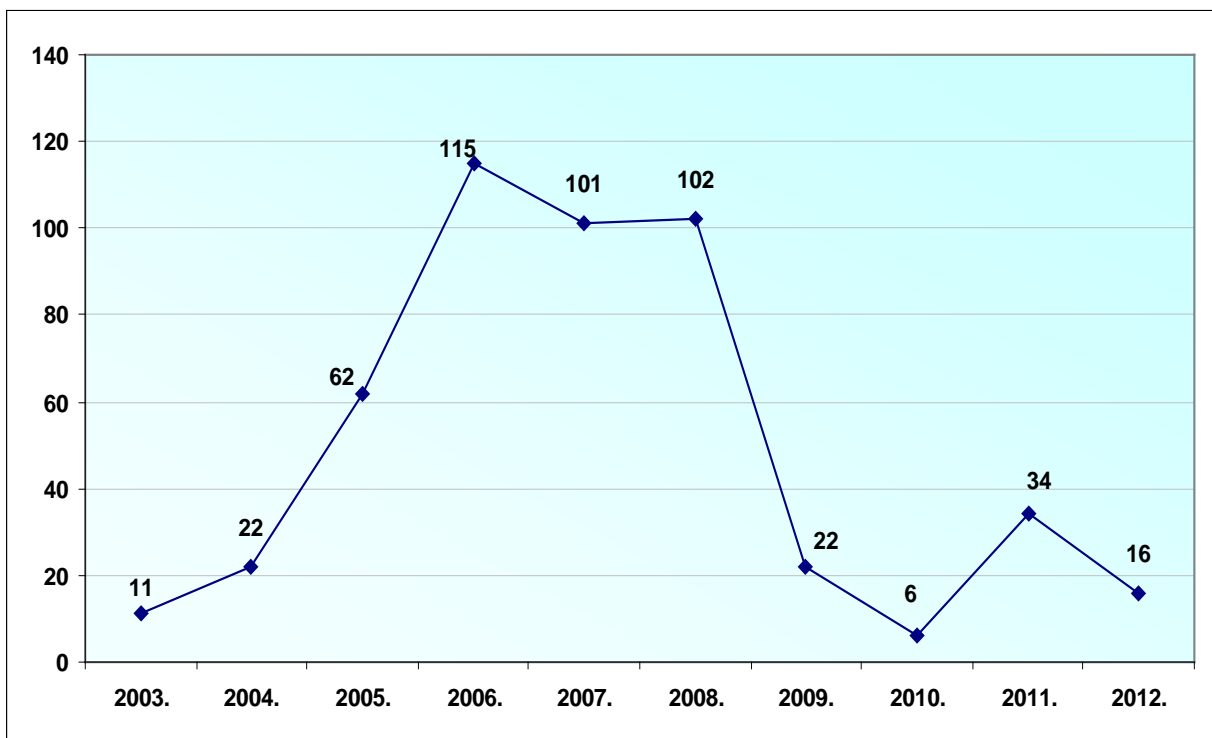


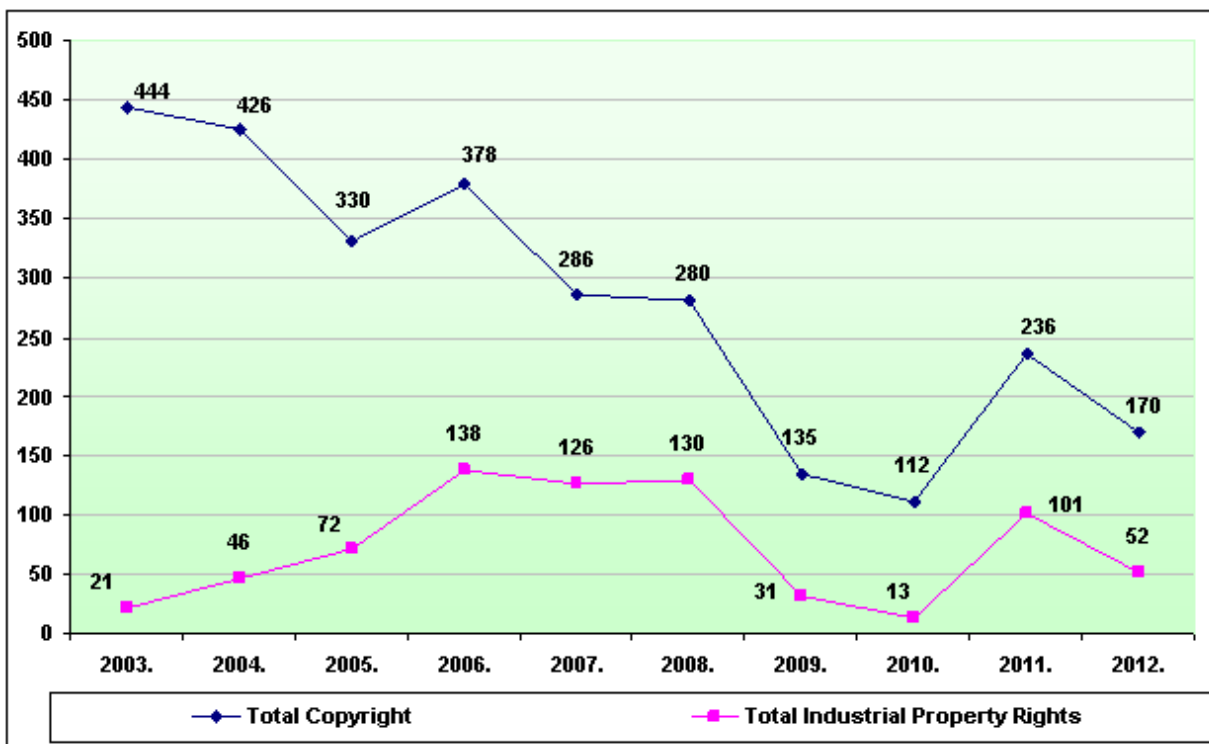
Table 6.7.

Adult persons reported for criminal offences infringing the intellectual property rights (2003 – 2012)
- State Attorney's Office

Criminal offences		Year									
		2003.	2004.	2005.	2006.	2007.	2008.	2009.	2010.	2011.	2012.
Copyright	Art. 229 CC	4	6	3	6	8	2	2	9	10	4
	Art. 230 CC	435	404	324	354	266	264	132	124	186	148
	Art. 231 CC	5	16	3	18	12	14	1	8	40	18
Total Copyright		444	426	330	378	286	280	135	141	236	170
Industrial Property	Art. 232 CC	1	11	1	5	4	0	0	0	4	1
	Art. 285 CC	20	35	71	133	122	130	31	13	97	51
Total Industrial Property Rights		21	46	72	138	126	130	31	13	101	52
TOTAL		465	472	402	516	412	410	166	154	337	222

Chart 6.10.

Trends in adult persons reported for criminal offences - infringement of copyrights and related rights and infringements of industrial property rights
- State Attorney's Office



7. CRIMINAL COURTS AND MAGISTRATES' COURTS - DECISIONS

7.1. Criminal Law Sanctions

As regards the course of action of criminal procedure following the issue of an indictment brought by the State Attorney's 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 suspensions of the criminal proceedings
- the number of refusals
- the number of acquittals
- the number of persons not found guilty for being mentally incompetent.

The structure of criminal sanctions imposed in criminal procedures relating to the infringement of intellectual property rights has been presented.

The statistical data have also been presented concerning the number of judicial proceedings in which offenders were imposed security measures of seizure 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 2012

	Persons accused Total	Persons found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
TOTAL 2012	95	71	13	8	3	0
Infringements of the authors' or of the performers' rights, Article 229 CC	1	1	0	0	0	0
Unauthorized use of an author's work or of a performer's performance, Article 230 CC	62	44	10	7	1	0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Article 231 CC	8	7	1	0	0	0
Total Copyright	71	52	11	7	1	0
Infringement of the rights conferred by an invention applied for or protected, Article 232 CC	3	1	2	0	0	0
Infringement of the industrial property rights and unauthorized use of another person's firm, Article 285 CC	21	18	0	1	2	0
Total Industrial property	24	19	2	1	2	0

Table 7.1.1.
Accused adult persons and court decisions on criminal offences concerning the infringement of intellectual property rights, 2012

Accused Total	Found guilty	Not found guilty			
		Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
95	71	13	8	3	0

Chart 7.1.1.
Legal forms of decisions concerning all infringements of intellectual property rights in 2012
- Criminal courts

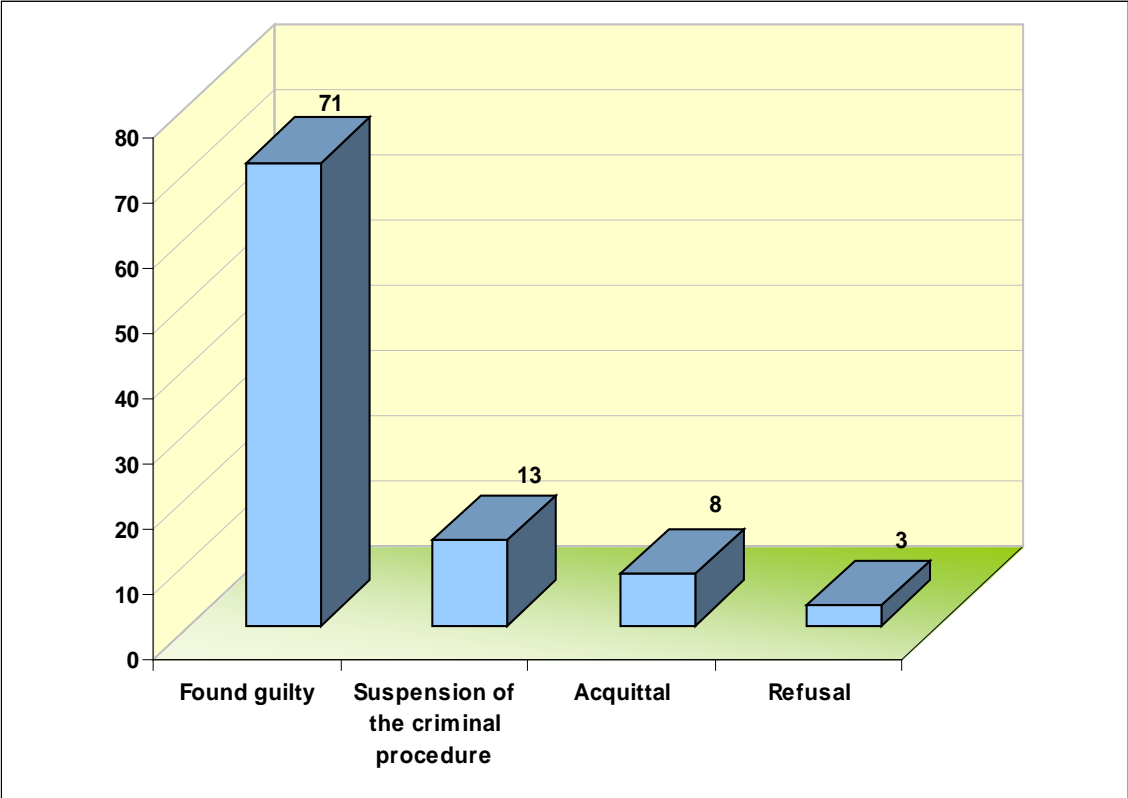


Table 7.1.2.

Adult persons accused, according to legal forms of decision for 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
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
2012.	1	1	0	0	0	0

Chart 7.1.2.

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

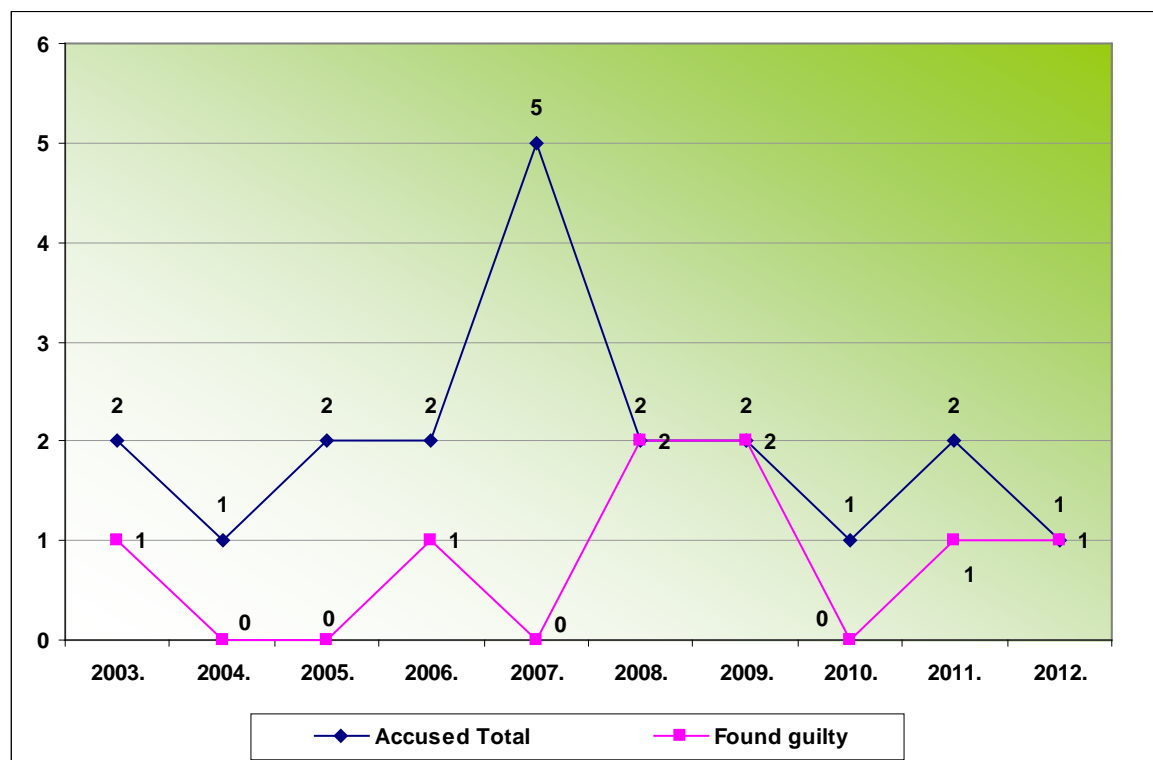


Table 7.1.3.

Adult persons accused, according to the legal forms of decision for a criminal offence - Unauthorised use of a copyright 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
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
2012.	62	44	10	7	1	0

Chart 7.1.3.

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

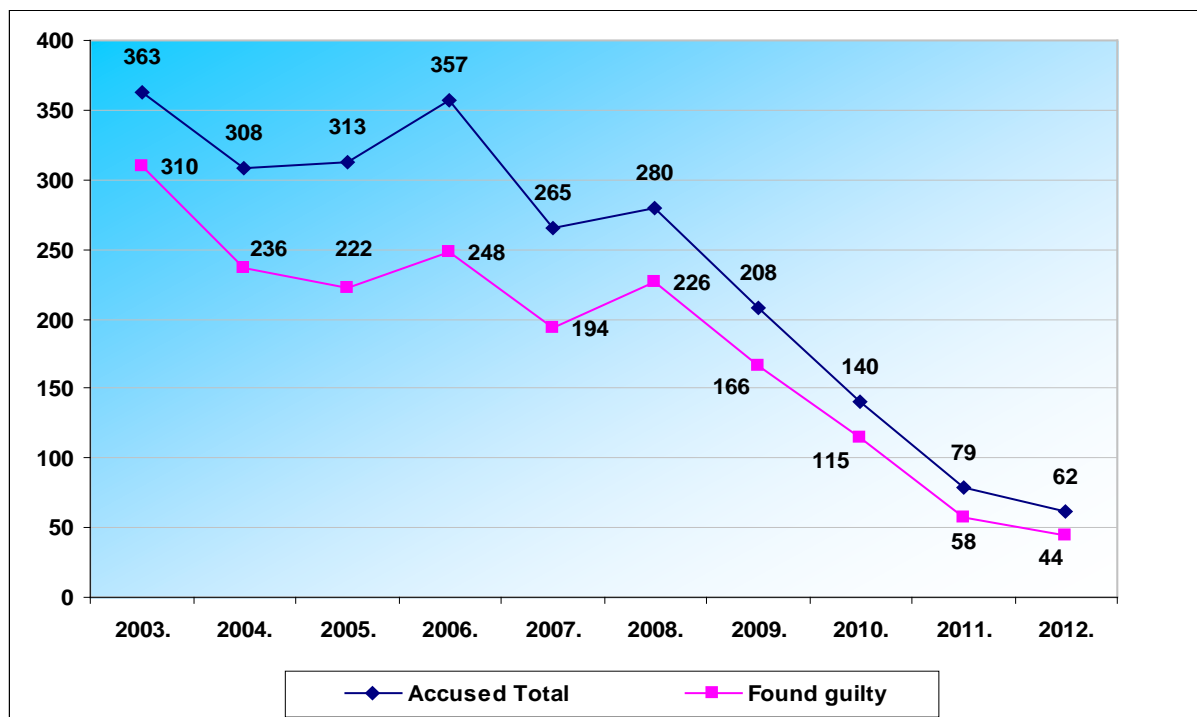


Table 7.1.4.

Adult persons accused, according to the legal forms of decision 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

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
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
2012.	8	7	1	0	0	0

Chart 7.1.4.

Trends - adult persons accused and persons 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

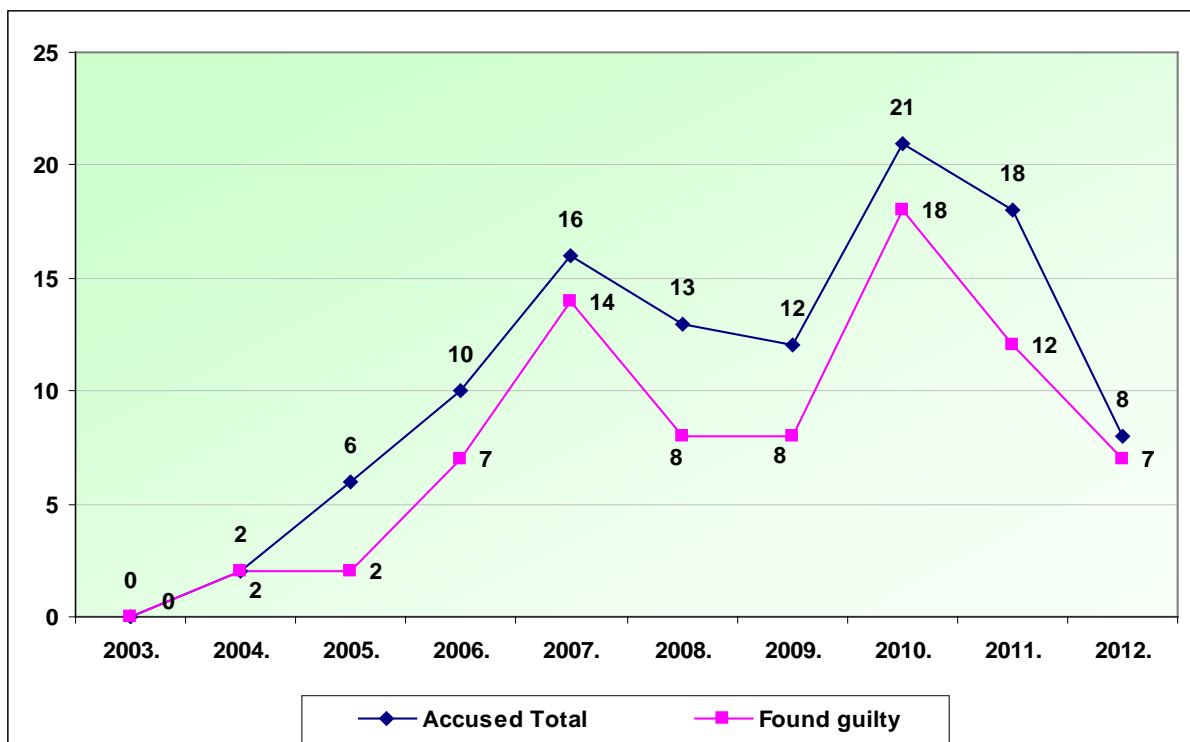


Table 7.1.5.

Adult persons accused, according to the legal forms of decision for 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
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
2012.	3	1	2	0	0	0

Chart 7.1.5.

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

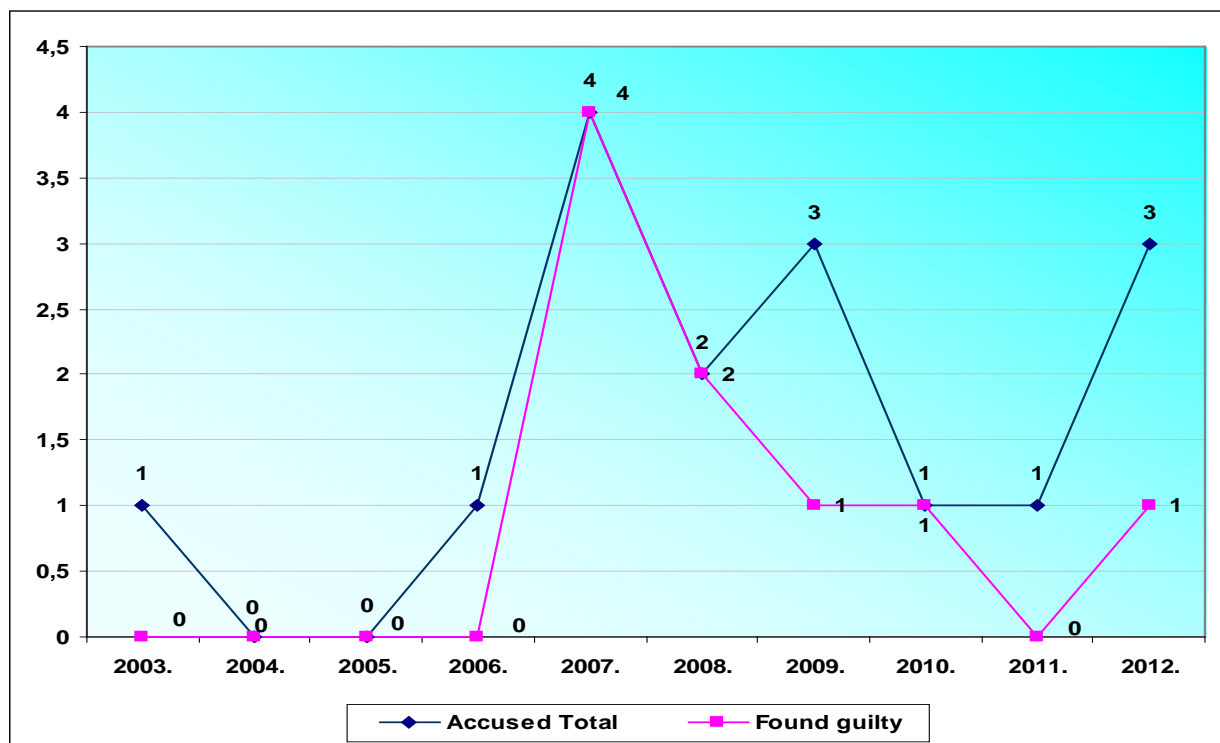


Table 7.1.6.

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

	Accused Total	Found guilty	Not found guilty			
			Suspension of the criminal procedure	Acquittal	Refusal	Mentally incompetent persons
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
2012.	21	18	0	1	2	0

Chart 7.1.6.

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

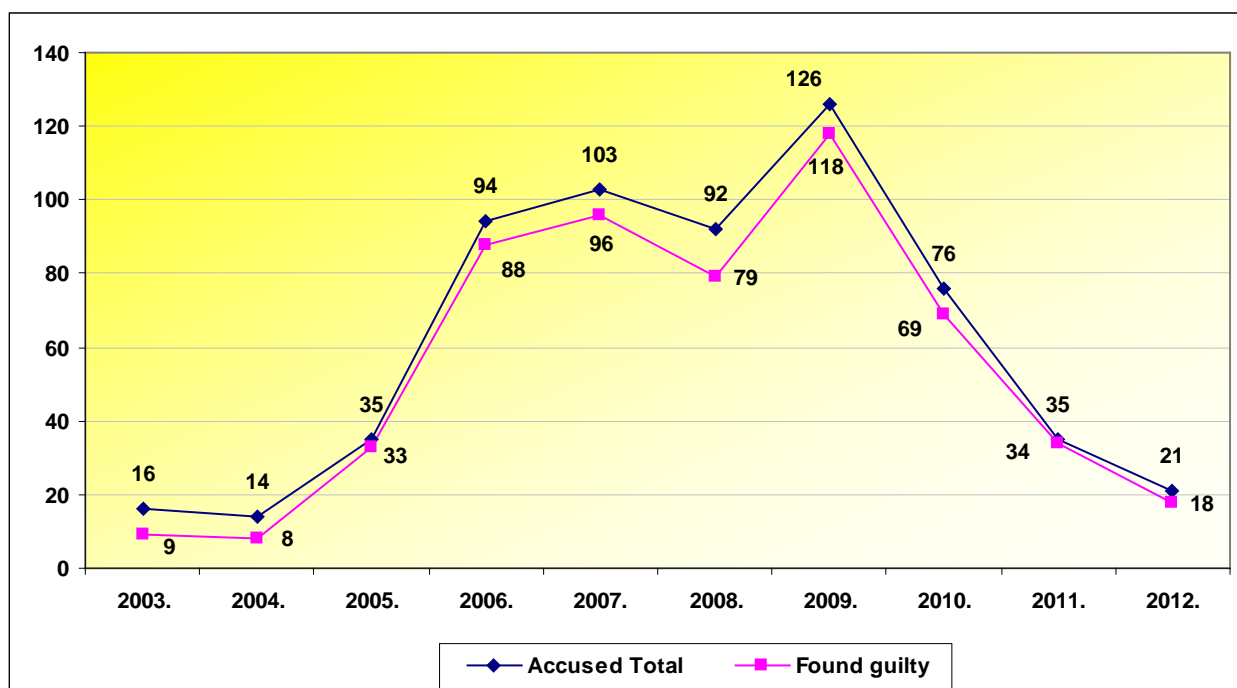


Table 7.1.7.

**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
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
2012.	4	4	0	0	0	0	32	11	12	6	2	1	0

Chart 7.1.7.
Unconditional imprisonments for criminal offences comprising infringements of copyright – pirated copies

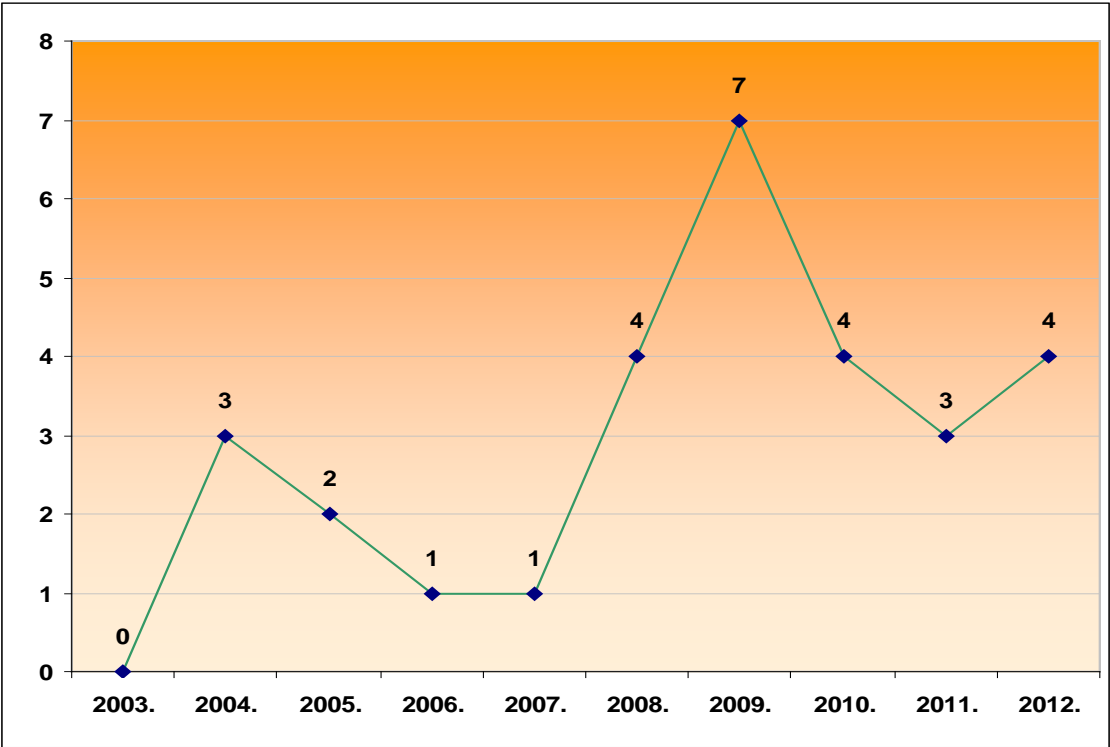


Chart 7.1.8.
Conditional imprisonments for criminal offences comprising infringements of copyright – pirated copies

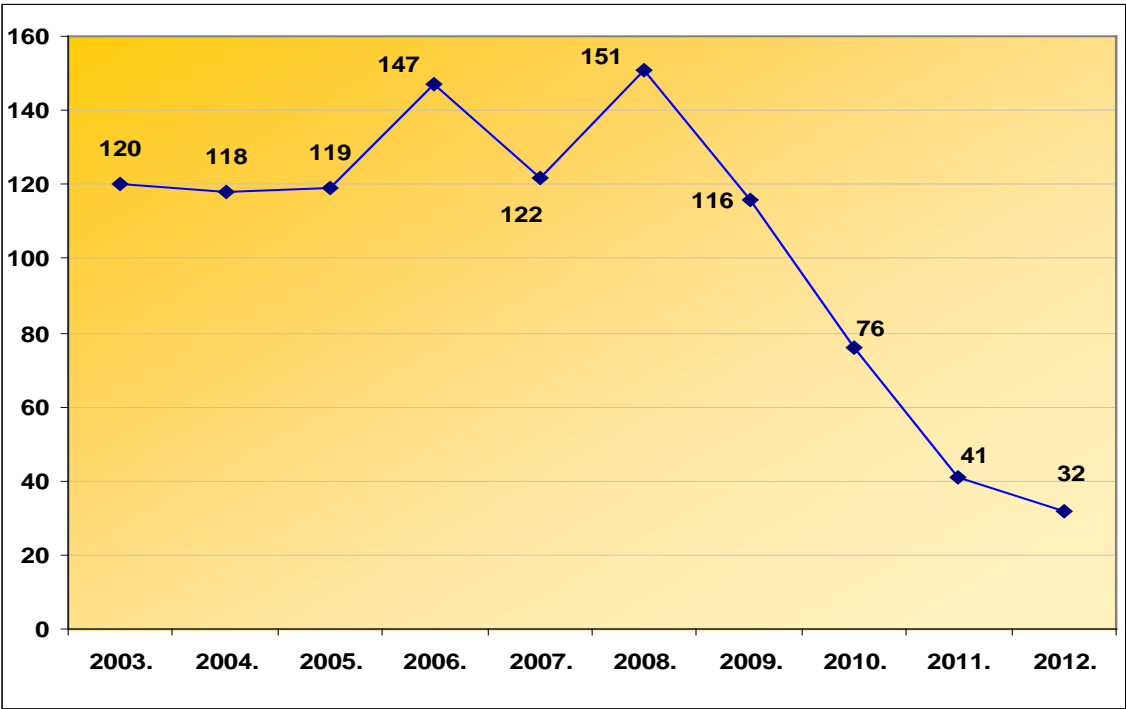


Table 7.1.8.

**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
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
2012.	8	5	1	1	1	0	0	0	0	0	1	0	0

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

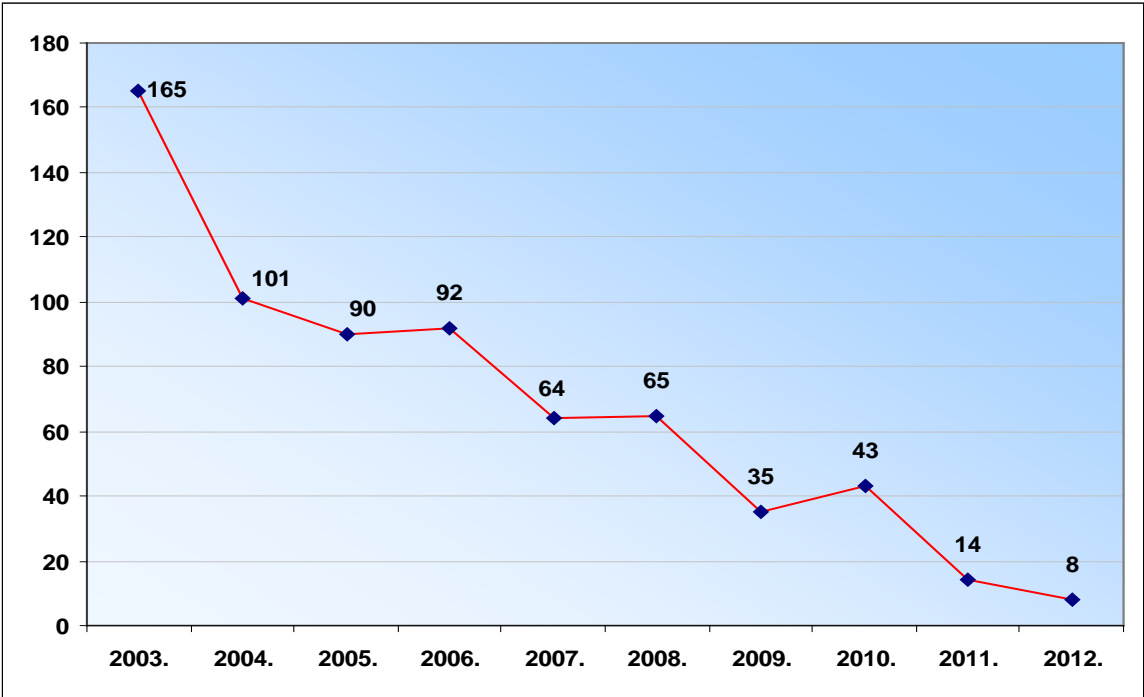


Chart 7.1.10.
Conditional fines (expressed in daily incomes) for criminal offences - Infringements of copyright – pirated copies

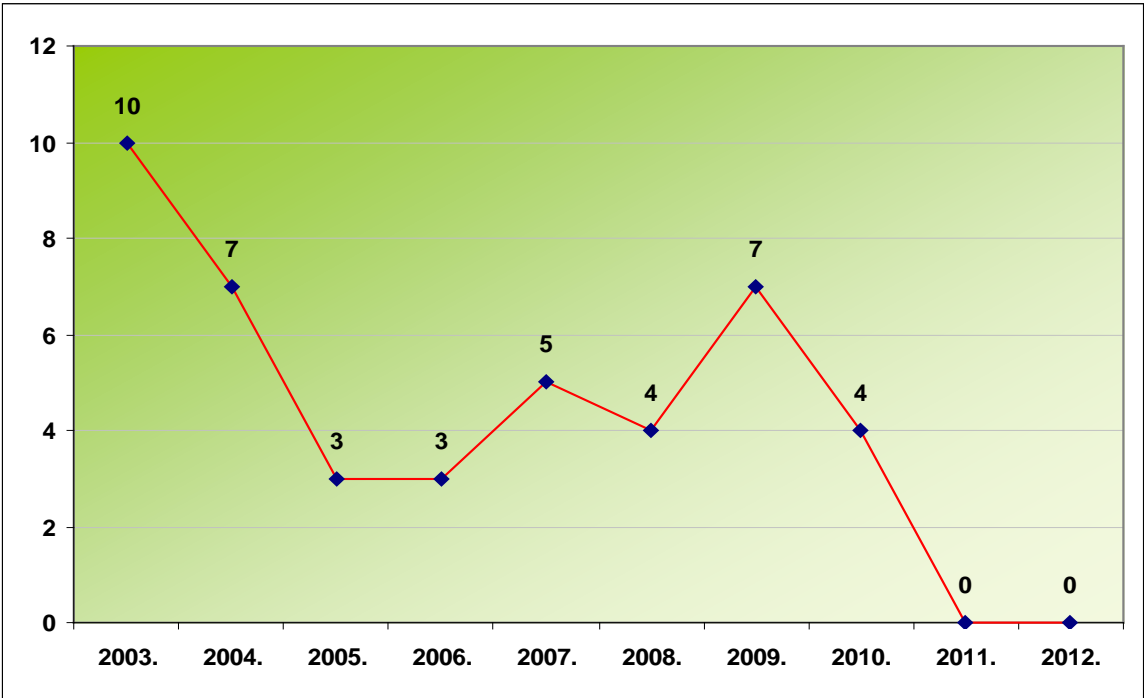


Table 7.1.9.

**Persons convicted by sanctions imposed in accordance with Art. 285 CC (infringements of industrial property rights)
- 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
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
2012.	1	1	0	0	9	2	4	2	1	0

Table 7.1.10.

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

	Unconditional fine (expressed in daily incomes)						Other sanctions		
	Total	10 to 25	26 to 50	51 to 75	76 to 100	101 to 150	Judicial admonition	Educational measures	Suspension of juvenile prison
2003.	3	1	1	0	1	0	0	0	0
2004.	3	0	3	0	0	0	0	0	0
2005.	18	0	10	5	3	0	2	0	0
2006.	62	26	21	9	4	2	0	0	0
2007.	55	23	15	12	5	0	0	0	0
2008.	25	12	0	13	0	0	0	0	0
2009.	96	14	6	75	0	1	0	0	0
2010.	40	23	14	2	0	1	0	0	0
2011.	15	5	4	2	0	4	0	0	0
2012.	10	4	6	0	0	0	0	0	0

Chart 7.1.11.
Unconditional fines (expressed in daily incomes) for criminal offences comprising infringements of industrial property rights

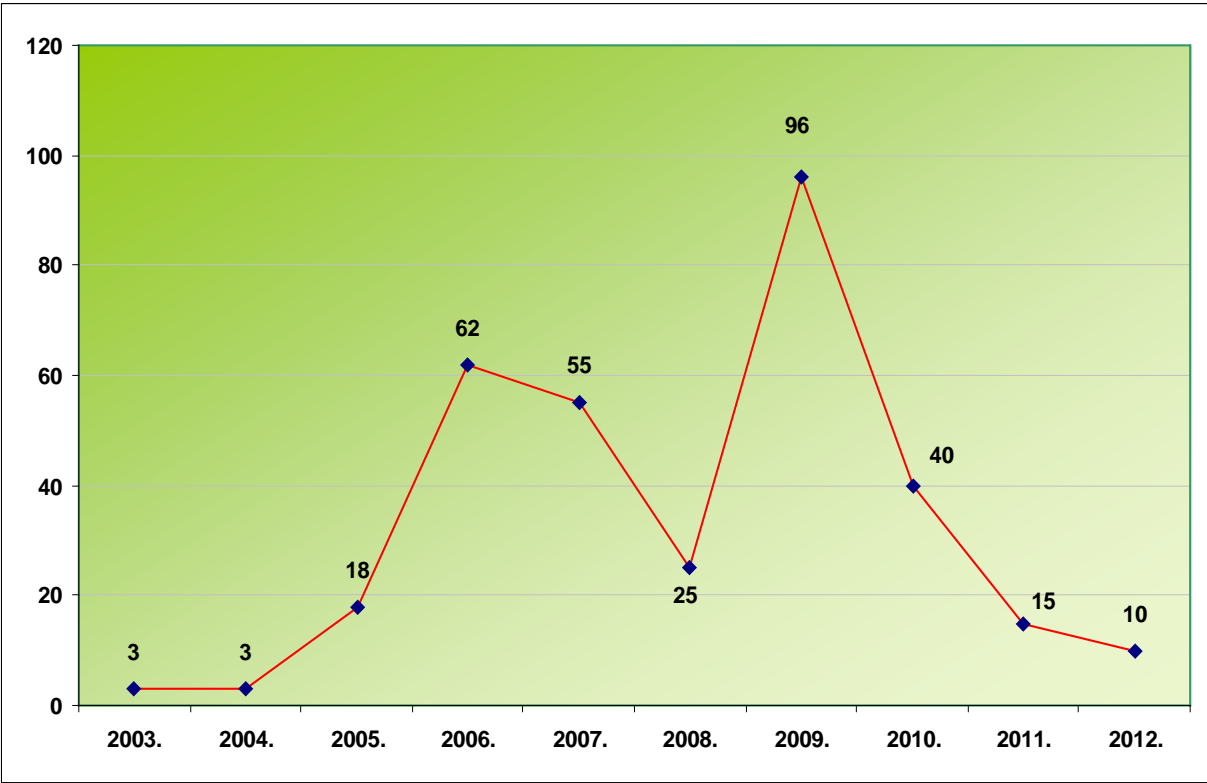


Table 7.1.11.

Persons convicted by sanctions imposed for other infringements – infringements of the rights 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
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
2012.	3	1	2	0	0	0	0	0	0	0	0	0

Chart 7.1.12.

Conditional imprisonments for other infringements – infringements of the rights conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code) - Sanctions as imposed

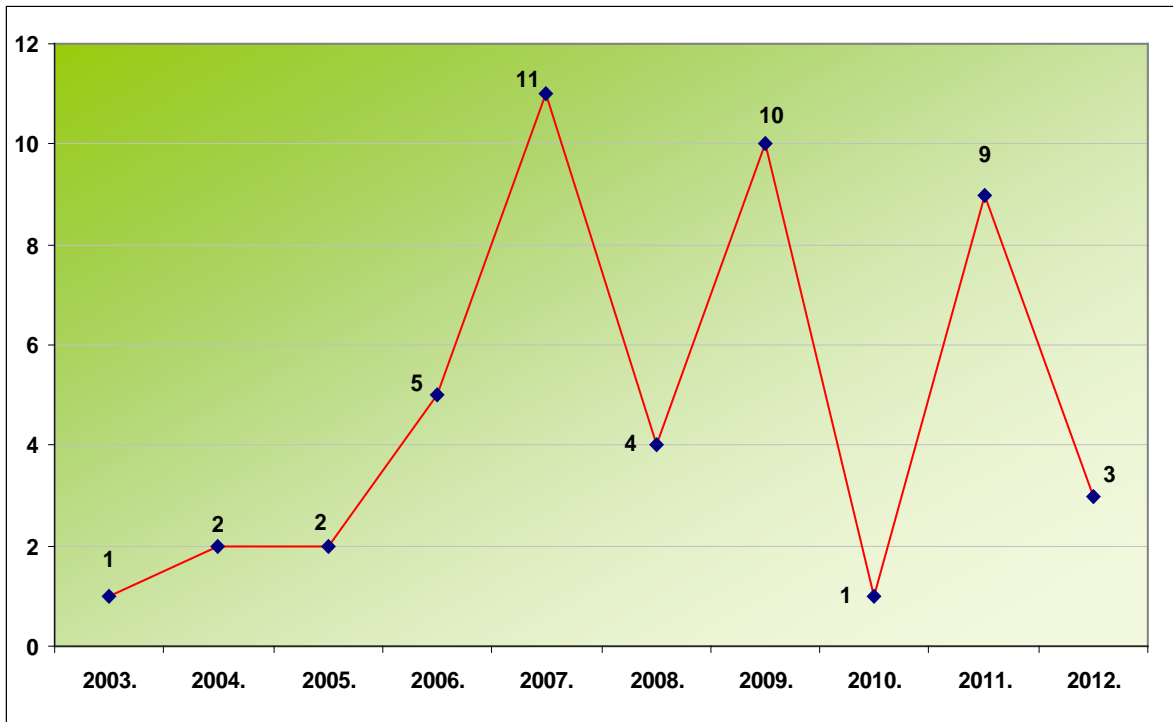


Chart 7.1.13.

Unconditional fines for other infringements – infringements of the rights conferred by an invention applied for or protected and other infringements (Art. 229, Art. 231, Art. 232 of the Criminal Code) - Sanctions as imposed

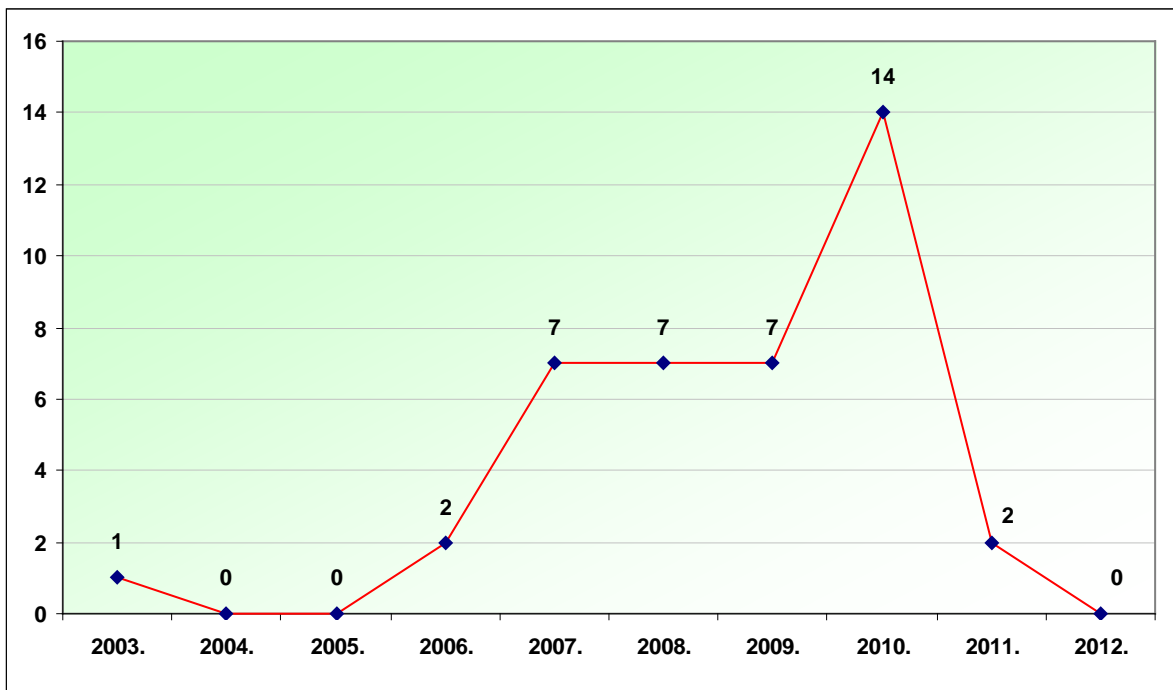


Table 7.1.12.

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 objects	Seizure of material gain
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
2012.	18	0

Chart 7.1.14.

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

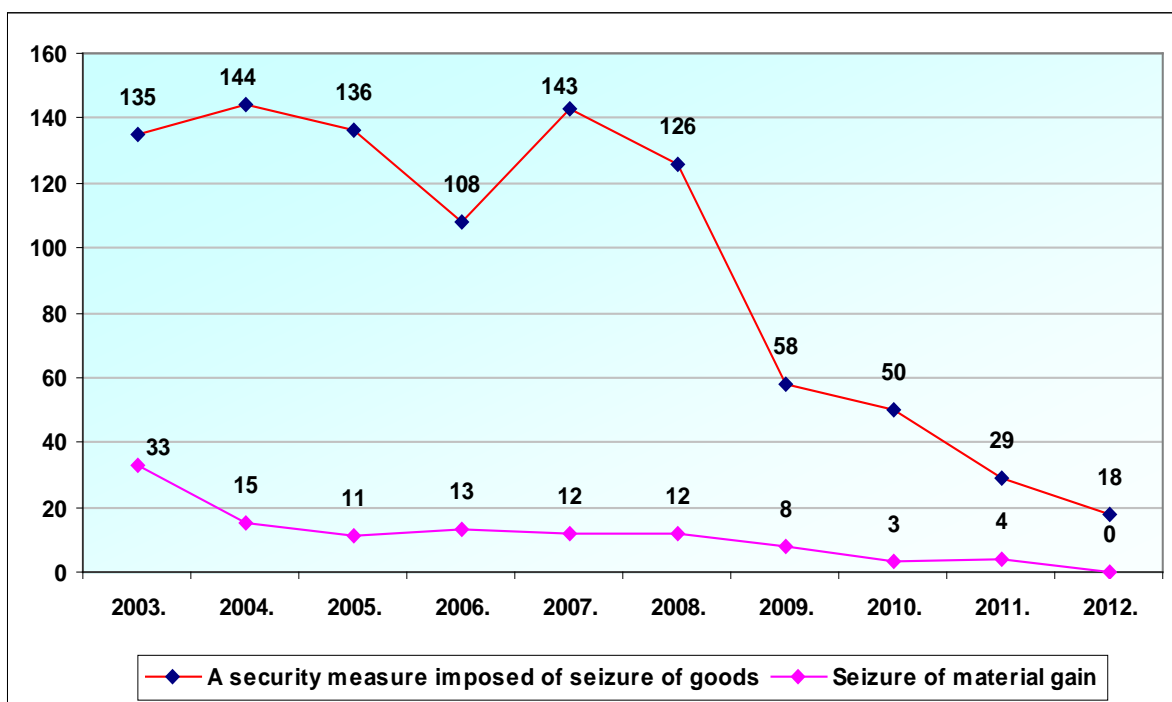


Table 7.1.13.

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

	Security measures			Seizure of material gain
	TOTAL	Seizure of objects	Expulsion of aliens	
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
2012.	15	15	0	0

Chart 7.1.15.

The total number of judicial proceedings imposing a security measure of seizing objects, expulsion of aliens, and a special measure of seizing material gain, respectively – persons convicted for the infringements of industrial property rights – Art. 285 CC

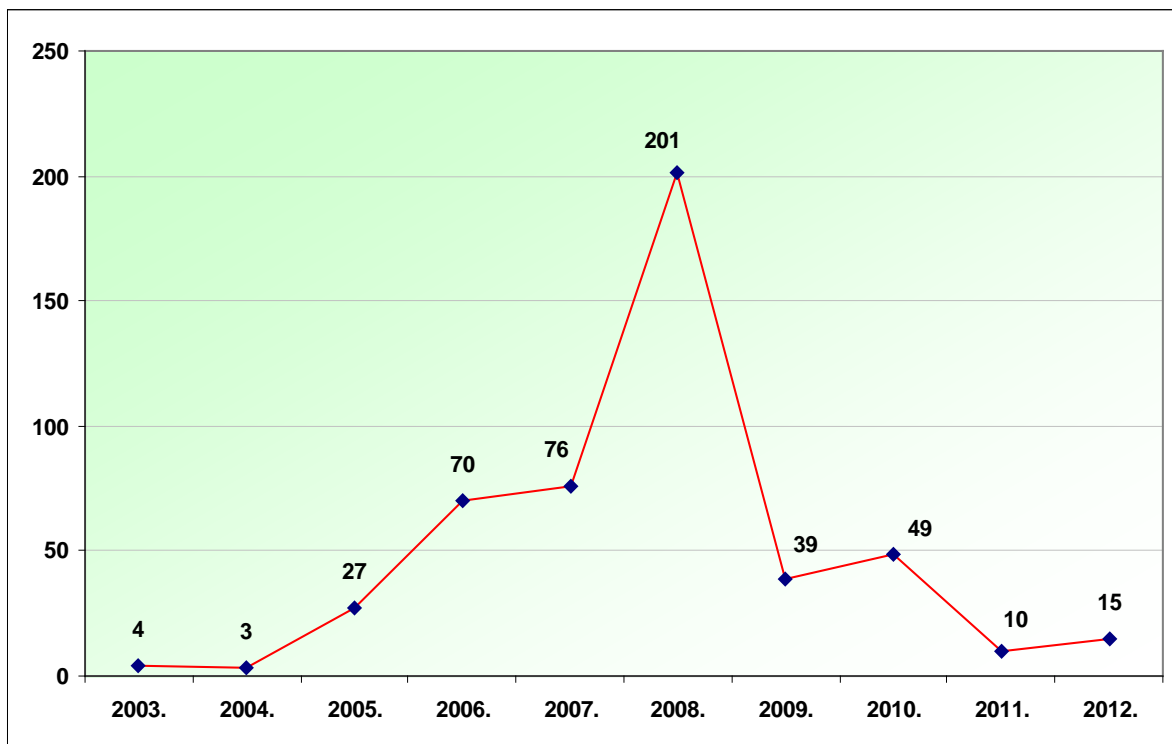


Table 7.1.14.

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
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
2012.	HRK		17.757	0	20.000	0	34.784
	EUR	9.594	2.348	0	2.645	0	4.601

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 (Article 230 CC)

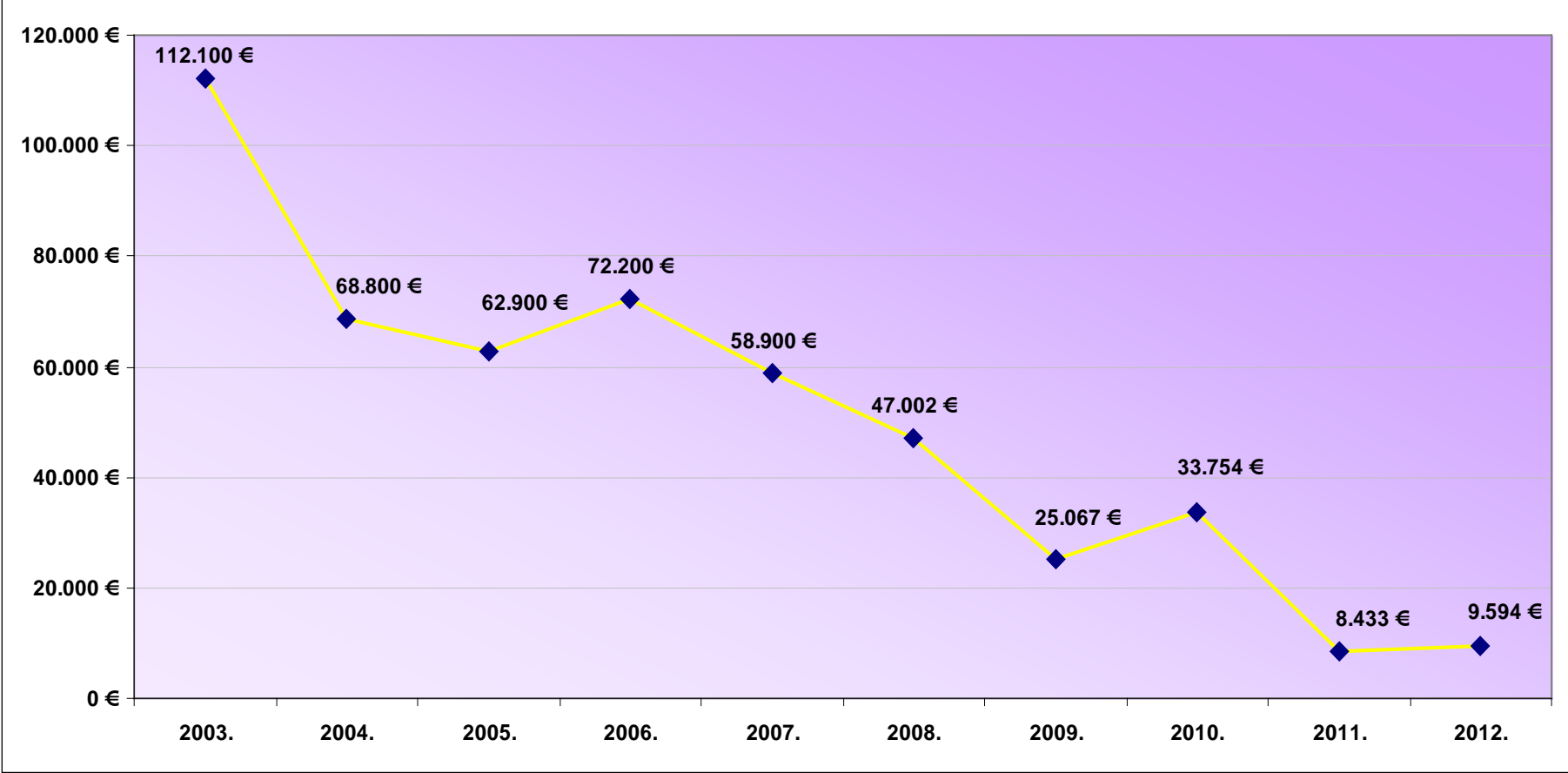


Table 7.1.15.

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
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
2012.	HRK		9.149	38.125	0	0	0
	EUR	6.253	1.210	5.043	0	0	0

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 (Art. 285 CC)

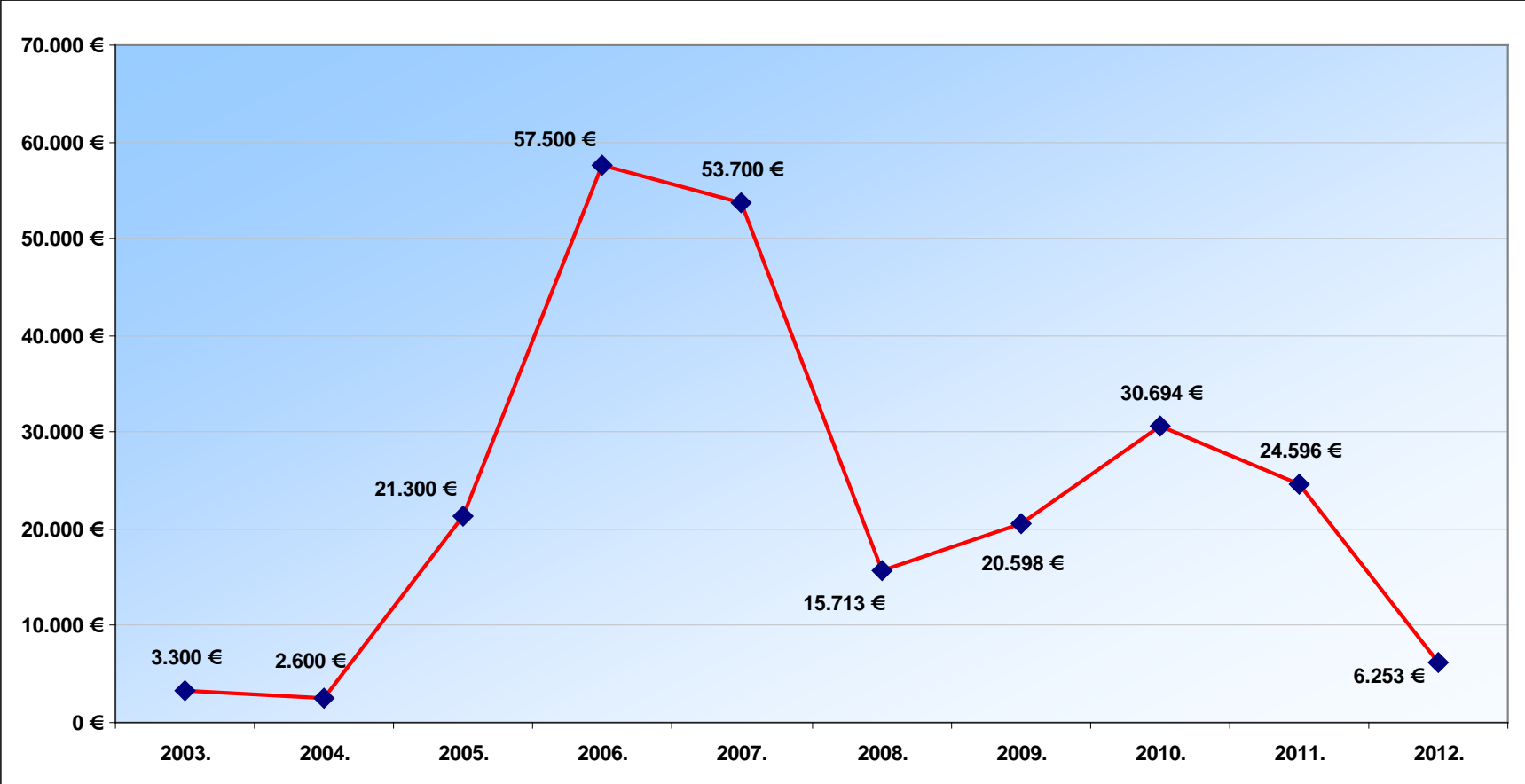


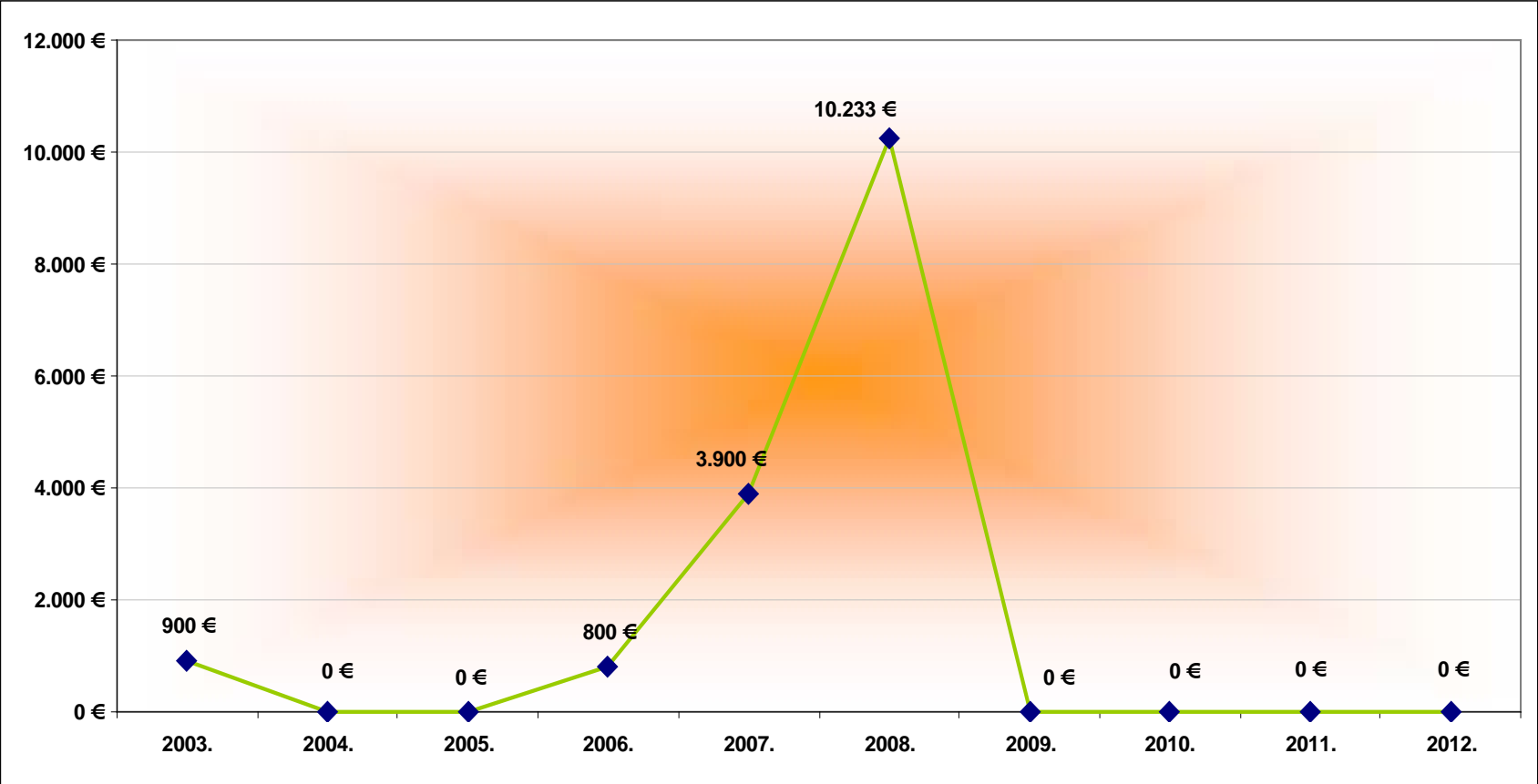
Table 7.1.16.

Account of fines imposed on offenders for infringements of the rights conferred by an invention applied for or protected 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
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
2012.	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 an invention applied for or protected and other infringements



7.2. Misdemeanour 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 suspensions 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 amount of 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 2012

Infringement of provisions	Accused	Found guilty	Suspension of the misdemeanour procedure		Protective measures
			Total	Limitation	
TOTAL	6.883	4.544	1.189	69	134
Infringement of the copyright provisions	6.615	4.330	1.160	56	39
Infringement of the trademark provisions	254	202	29	11	95
Infringement of the patent provisions	6	4	0	2	0
Infringement of the industrial design provisions	0	0	0	0	0
Infringement of the provisions on geographical indications	8	8	0	0	0

Table 7.2.2.
Misdemeanour trials against natural persons for infringing the copyright law provisions, from 2003 to 2012

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/ Admonition
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
2012.	4.243	2.796	2	2.771	23

Chart 7.2.1.
Natural persons accused and found guilty for infringing the copyright law provisions, from 2003 to 2012

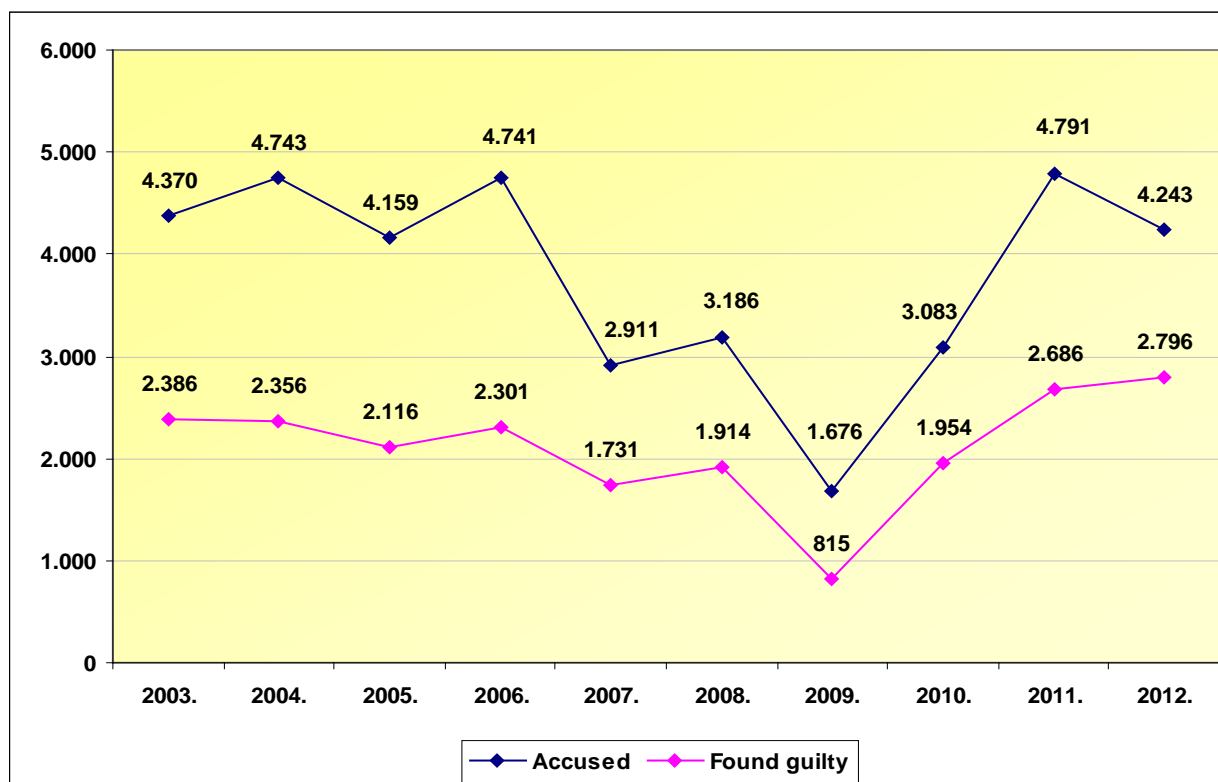


Table 7.2.3.
Misdemeanour trials against legal and responsible persons for infringing the copyright law provisions, from 2003 to 2012

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
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
2012.	2.372	1.534	1.481	53

Chart 7.2.2.
Legal persons accused and found responsible for infringing the copyright law provisions, from 2003 to 2012

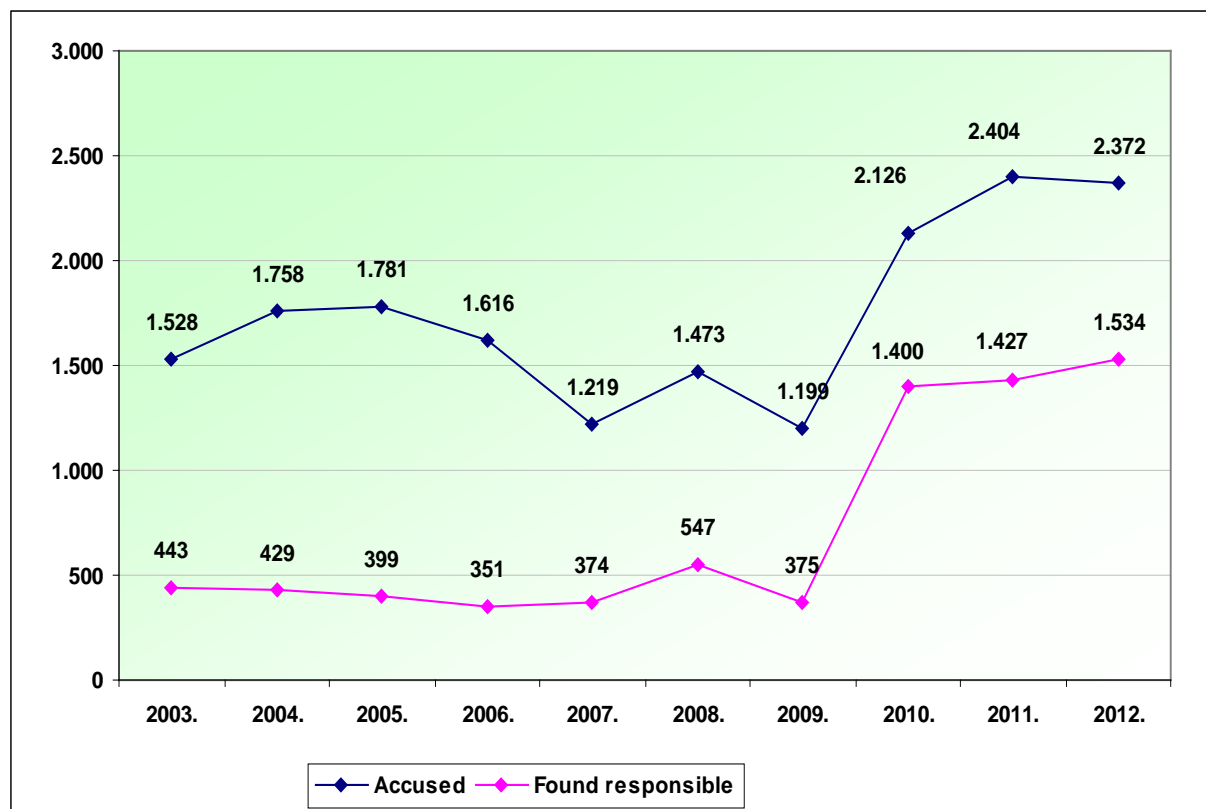


Table 7.2.4.

Misdemeanour trials concerning infringements of the provisions on trademark and other symbols, from 2003 to 2012 (natural persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
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
2012.	184	149	0	148	1

Chart 7.2.3.

Accused and found guilty for the infringements of the provisions on trademark and other symbols, from 2003 to 2012 (natural persons)

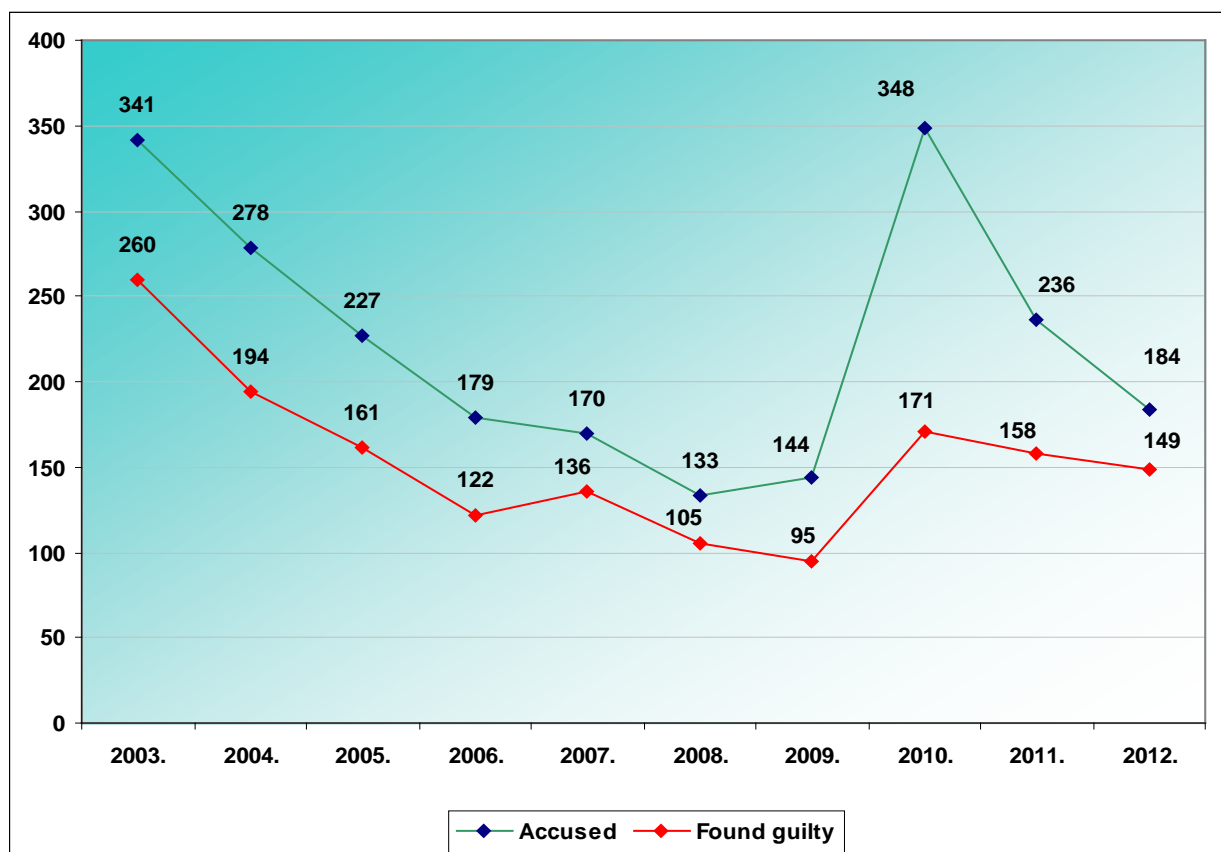


Table 7.2.5.

Misdemeanour trials concerning infringements of the provisions on trademark and other symbols, from 2003 to 2012 (legal and responsible persons)

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
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
2012.	78	61	61	0

Chart 7.2.4.

Legal persons accused and found responsible for infringements of the provisions on trademark and other symbols, from 2003 to 2012

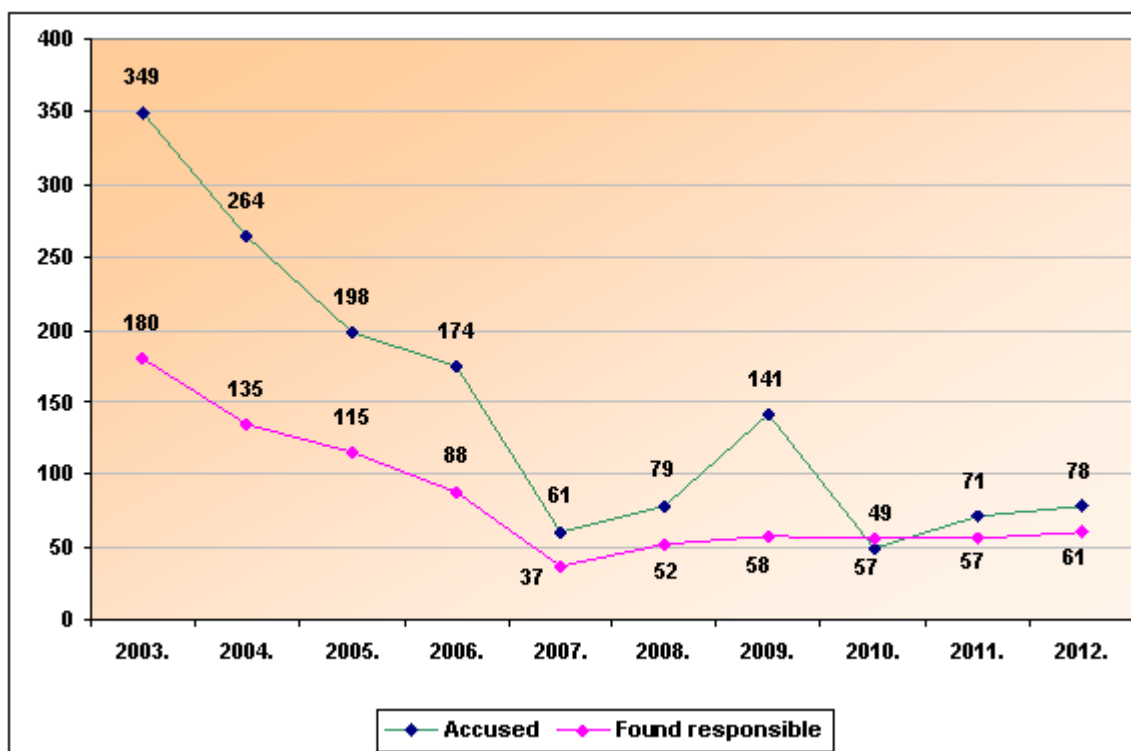


Table 7.2.6.

Misdemeanour trials concerning infringements of the provisions on patents and technical improvements, from 2003 to 2012 (natural persons)

	Accused	Found guilty	Sanctions imposed		
			Imprisonment	Fine	Reprimand/Admonition
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
2012.	3	2	0	2	0

Table 7.2.7.

Misdemeanour trials concerning infringements of the provisions on patents and technical improvements, from 2003 to 2012 (legal and responsible persons)

	Accused	Found responsible	Sanctions imposed	
			Fine	Reprimand/Admonition
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
2012.	3	2	2	0

Table 7.2.8.**Fines in HRK imposed on natural persons - Infringements of the copyright provisions, from 2003 to 2012**

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
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	1056	101	18
2011.	2.642	151	787	1.571	124	9
2012.	2.771	157	860	1.669	84	1

Table 7.2.9.**Fines in HRK imposed on legal and responsible persons - Infringements of the copyright provisions, from 2003 to 2012**

	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
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
2012.	1.481	51	169	1.129	118	14	0

Table 7.2.10.**Fines in HRK imposed on natural persons - Infringements of the trademark provisions, from 2003 to 2012**

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
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
2012.	148	20	27	82	16	3

Table 7.2.11.

Fines in HRK imposed on legal and responsible persons - Infringements of the trademark provisions, from 2003 to 2012

	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
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
2012.	61	2	5	30	16	6	2

Table 7.2.12.

Fines in HRK imposed on natural persons - Infringements of the patent provisions and technical improvements, from 2003 to 2012

	TOTAL	Up to 500	501 to 1 000	1 001 to 5 000	5 001 to 10 000	10 001 to 20 000
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
2012.	2	2	0	0	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 2003 to 2012

	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
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
2012.	2	0	1	1	0	0	0

Table 7.2.14.
Juvenile delinquents - Infringement of the copyright provisions - 2012

Criminal procedure	Misdemeanour trial
0	0

8. HIGH ADMINISTRATIVE COURT OF THE REPUBLIC OF CROATIA 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 High 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 (the forms of court decisions).

After the reorganization of administrative courts, four administrative courts of first instance having their seats in Zagreb, Split, Rijeka and Osijek are also competent for intellectual property cases. However, the administrative courts of first instance, having started their operation on 1 January 2012, have had no cases relating to the infringements of intellectual property rights (administrative legal actions) received during 2012, whereas, during the same year, the High Administrative Court dealt with the pending cases taken over from the Administrative Court of HR.

Table 8.1.
Disputes before the High Administrative Court (1.1.2012. - 31.12.2012.)

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 CLOSED	
TRADEMARKS	17	0	1	4	0	0	5	12
PATENTS	4	0	3	0	0	1	4	0
INDUSTRIAL DESIGNS	1	0	0	0	0	0	0	1
TOTAL	22	0	4	4	0	1	9	13

Note: administrative courts of first instance having their seats in Zagreb, Split, Rijeka and Osijek and having started their operation on 1 January 2012, have had no cases relating to the infringements of intellectual property rights received during 2012, whereas, during the same year, the High Administrative Court dealt with the pending cases taken over from the Administrative Court of HR.

Table 8.2.
Cases before commercial courts (1.1.2012. - 31.12.2012.)

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	941	632	801	145	6	401	0	1	92	4	0	0	152	772
%			100	18,1	0,8	50,0	0,0	0,1	11,5	0,5	0,0	0,0	19,0	
Rijeka	126	110	165	32	0	105	0	0	0	2	0	1	25	71
%			100	19,4	0,0	63,6	0,0	0,0	0,0	1,2	0,0	0,6	15,2	
Split	361	168	235	50	1	129	0	0	0	7	3	0	45	294
%			100	21,3	0,4	54,9	0,0	0,0	0,0	3,0	1,28	0,0	19,2	
Osijek	31	77	90	81	1	0	0	0	0	0	0	0	8	18
%			100	90,0	1,1	0,0	0,0	0,0	0,0	0,0	0,0	0,0	8,9	

Table 8.3.
Cases before commercial courts – consolidated (1.1.2012. - 31.12.2012.)

	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 CASES										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	68	61	0	11	0	0	16	1	0	0	5	0	4	0	12	0	38	91	
	PATENT	10	1	0	0	1	0	0	1	0	0	0	0	0	0	2	0	3	8	
	INDUSTRIAL DESIGN	22	3	0	1	1	1	2	0	0	0	1	0	3	0	1	0	7	18	
	GEOGRAPHICAL INDICATION	13	0	0	1	0	0	10	0	0	0	0	0	0	0	0	0	10	3	
	COPYRIGHT	COLLECTIVE	1.145	779	20	232	15	6	243	6	3	92	625	0	0	0	187	0	1.156	768
		INDIVIDUAL	192	131	0	10	2	0	35	0	0	0	3	0	5	1	26	0	70	253
	OTHER	9	11	0	1	3	0	0	0	0	0	0	1	0	0	4	1	6	14	
	TOTAL	1.459	986	20	256	22	7	306	8	3	92	635	0	12	1	232	1	1.290	1.155	

Table 8.4.
Cases before the High Commercial Court of the Republic of Croatia (1.1.2012. - 31.12.2012.)

THE HIGH COMMERCIAL COURT OF HR	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				
	318	197	287	213	13	34	0	0	0	27	228
		%	100	74,2	4,5	11,8	0,0	0,0	0,0	9,4	

9. DURATION OF THE PROCEDURE BEFORE COURTS

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

Table 9.1.1.

Duration of the procedure from filing of a criminal report to the **final** court decision in 2012

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	0	0	0	0	0	0	0	0	0	0	0	0	0	0
%	100	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	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	64	11	7	14	3	8	8	7	3	3	0	0	0	0
%	100	17,2	10,9	21,9	4,7	12,5	12,5	10,9	4,7	4,7	0,0	0,0	0,0	0,0
Infringement of the rights of producers of phonograms or videograms or the rights related to radio broadcastings, Art. 231 CC	8	0	1	1	0	2	3	0	0	1	0	0	0	0
COPYRIGHT TOTAL	72	11	8	15	3	10	11	7	3	4	0	0	0	0
Infringement of the right conferred by an invention applied for or protected, Art. 232 CC	2	0	0	0	2	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
Infringement of the industrial property rights and unauthorized use of another person's firm, Art. 285 CC	20	10	4	3	1	1	1	0	0	0	0	0	0	0
%	100	50,0	20,0	15,0	5,0	5,0	5,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0
INDUSTRIAL PROPERTY TOTAL	22	10	4	3	3	1	1	0	0	0	0	0	0	0

Chart 9.1.1.
Duration of the procedure from filing of a criminal report to the final court decision in 2012 – copyright

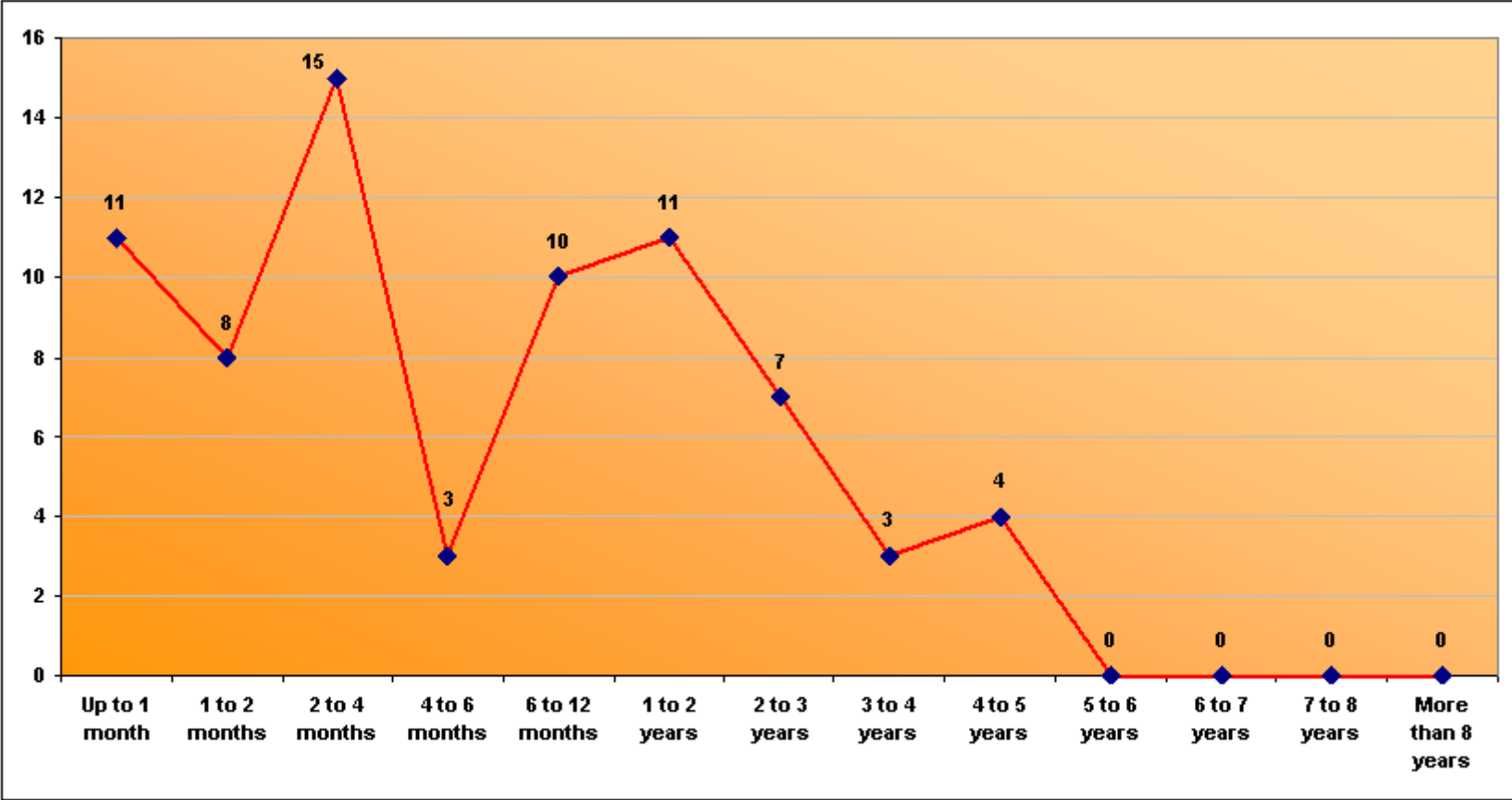
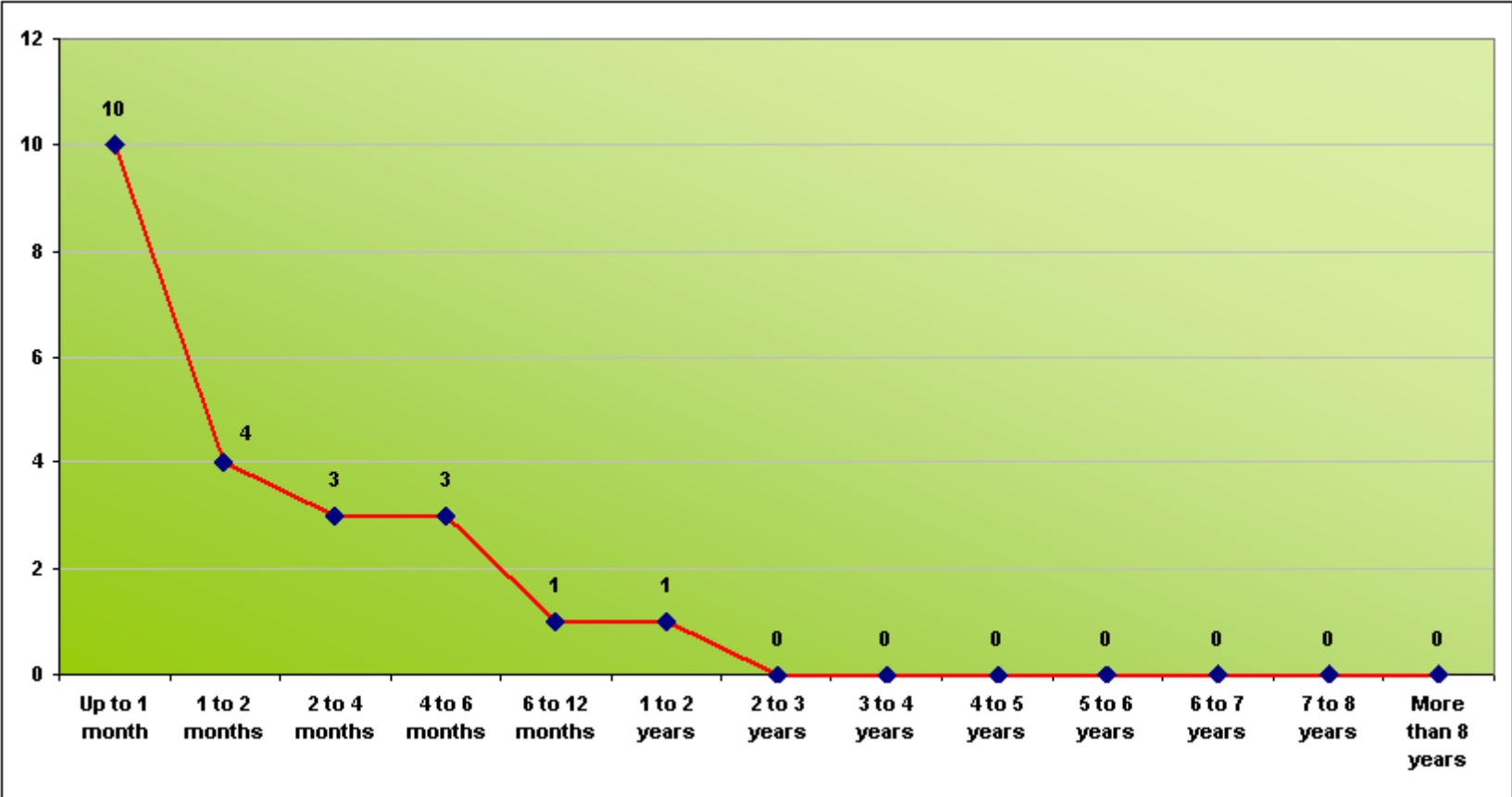


Chart 9.1.2.
Duration of the procedure from filing of a criminal report to the final court decision in 2012
- Industrial property rights



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

Table 9.2.1.

Duration of the procedure from filing of a misdemeanour report to the **final** court decision in 2012

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	4.091	298	446	892	733	769	502	197	124	42	57	30	1	0
%	100	7,3	10,9	21,8	17,9	18,8	12,3	4,8	3,0	1,0	1,4	0,7	0,0	0,0
Infringement of the trademarks and other indications provisions	203	12	14	33	43	27	53	12	4	4	1	0	0	0
%	100	5,9	6,9	16,3	21,2	13,3	26,1	5,9	2,0	2,0	0,5	0,0	0,0	0,0
Infringement of the patent and technical improvements provisions	2	0	0	0	0	2	0	0	0	0	0	0	0	0
%	100	0,0	0,0	0,0	0,0	100,0	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 of a misdemeanour report to the **final** court decision in 2012
– Infringements of the provisions on copyright

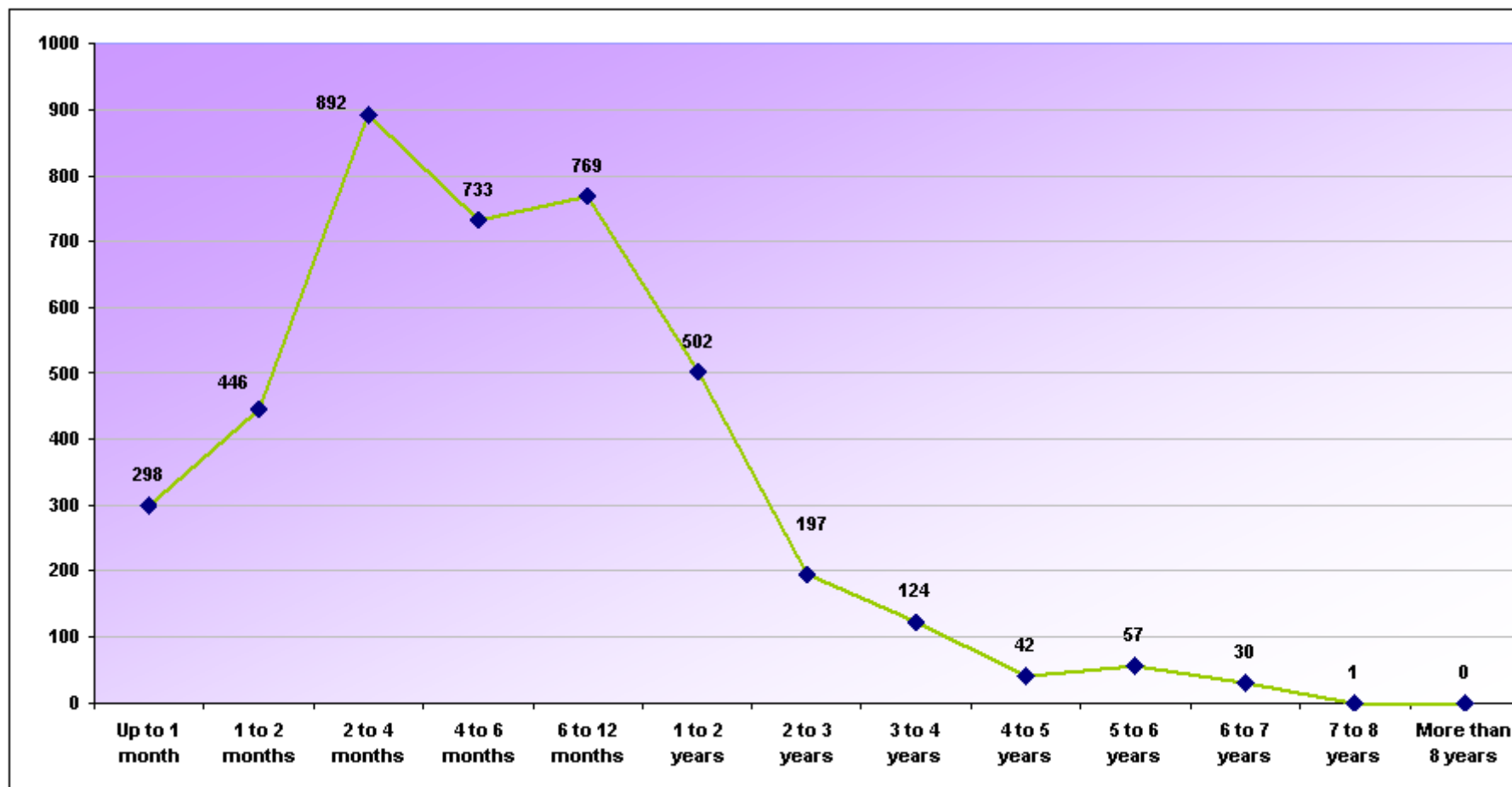
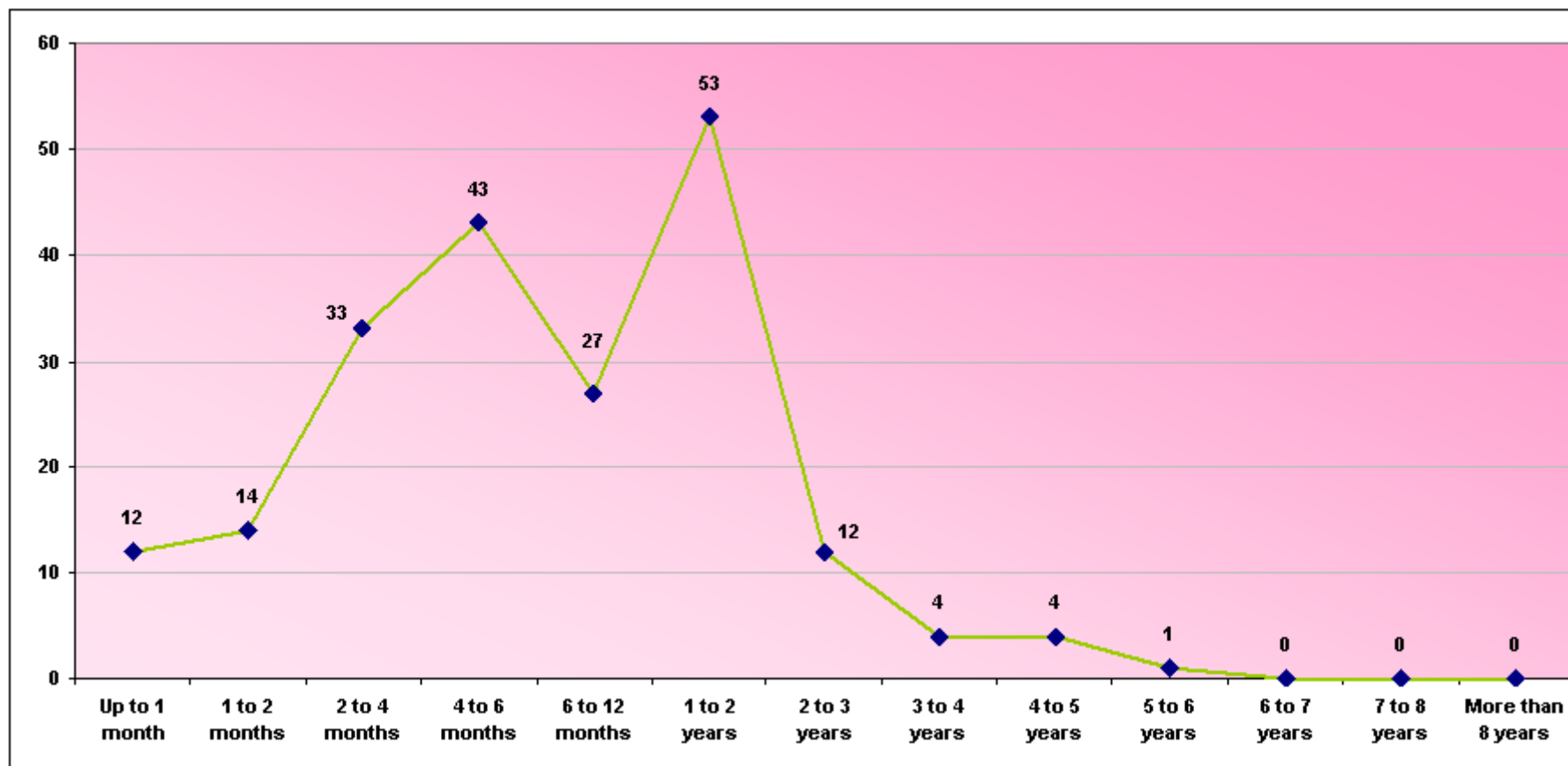


Chart 9.2.2.

Duration of the procedure from filing of a misdemeanour report to the final court decision in 2012
- Infringements of the provisions on trademark and other symbols



9.3. Duration of the procedure before commercial courts and the High Commercial Court of the Republic of Croatia

Table 9.3.1.

Duration of the procedure before commercial courts and the High Commercial Court of the Republic of Croatia in 2012

	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	1.290	124	196	283	643	44	0	0	0
%	100	9,6	15,2	21,9	49,8	3,4	0,0	0,0	0,0
HIGH COMMERCIAL COURT	287	64	46	136	41	0	0	0	0
%	100	22,3	16,0	47,4	14,3	0,0	0,0	0,0	0,0

Chart 9.3.1.
Duration of the procedure before commercial courts in 2012

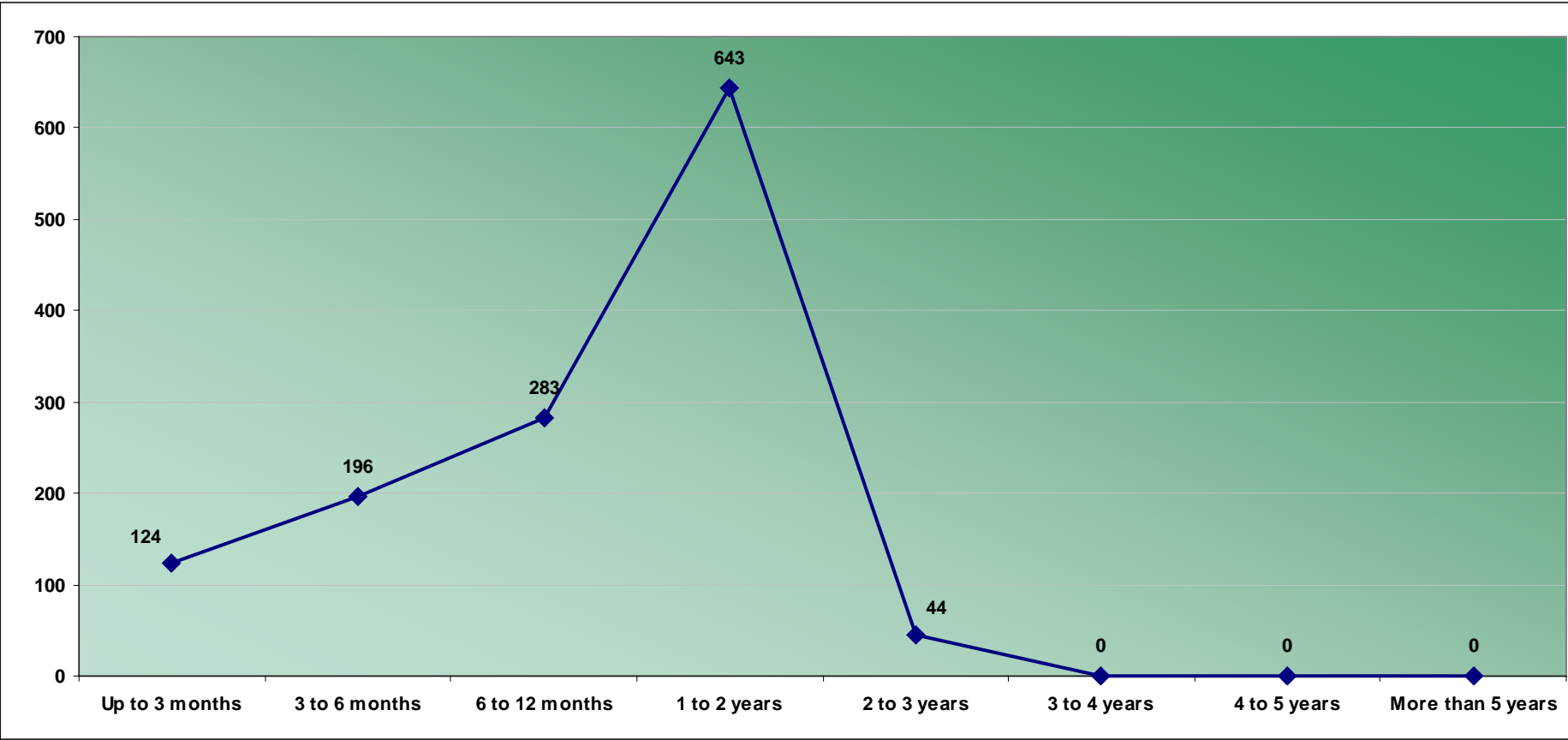
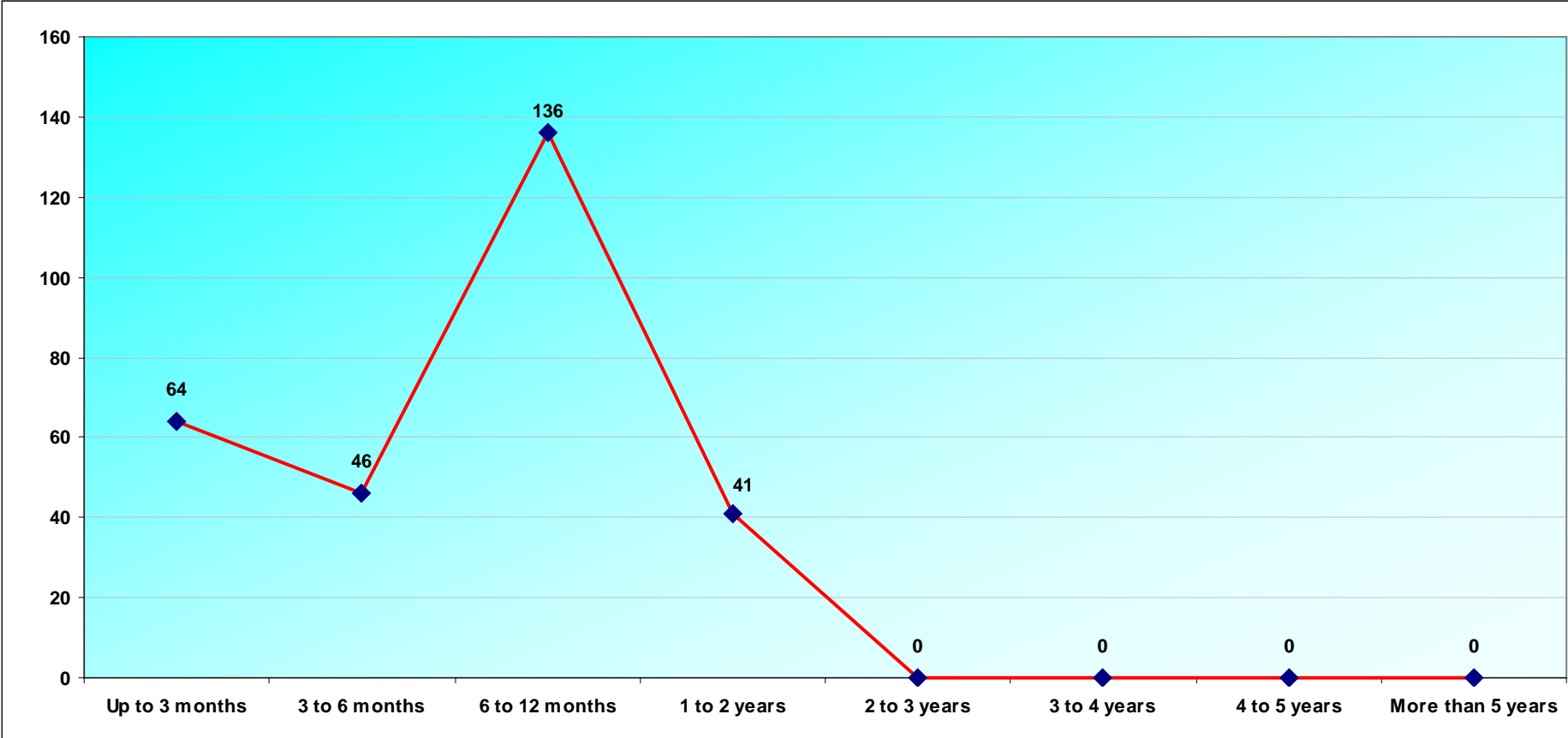


Chart 9.3.2.
Duration of the procedure before the High Commercial Court of the Republic of Croatia in 2012



9.4. Duration of the procedure before the High Administrative Court of the Republic of Croatia

Table 9.4.1.

Duration of the procedure before the High Administrative Court of the Republic of Croatia in 2012

	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
HIGH ADMINISTRATIVE COURT	9	0	0	1	5	3	0	0	0
%	100	0,0	0,0	11,1	55,5	33,3	0,0	0,0	0,0

Chart 9.4.1.

Duration of the procedure before the High Administrative Court of the Republic of Croatia in 2012.

