

## Comparative report on criminal sanctions for IPR infringements

| COUNTRY                   | Applicable law<br>(for patents and<br>trademarks)   | Fines  | Prison sentences  |
|---------------------------|---|--|---|
| <b>AUSTRIA</b>            | Federal Law Gaz (FLG)<br>N.1970/259 ‘‘ Patent Act<br>1970’’<br>(Amend.2007/81)<br><br>BGBI N. 260/1970 ‘‘<br>Trademark Law’’<br>(Amend 2007/81)   | Art 159: up to 360 times<br>the per diem rate<br><br>Art 60: up to 360 daily<br>rates  | Art 159: up to 2 years<br><br>Art 60: up to 2 years   |
| <b>BELGIUM</b>            | Law of May 15. 2007 on<br>the repression of the<br>counterfeit and the piracy<br>of intellectual property<br>rights   | Art 8: 550 to 550 000 euros  | Art 8: 3 months to 3<br>years   |
| <b>BULGARIA</b>           | Penal Code<br>Amended. in May 2005<br>Section VII. ‘‘Crime<br>against the intellectual<br>property’’<br><br>Law on Marks and<br>Geographical indications<br>(amended, No. 59/20 July<br>2007) | Art 173: 1000 to 3000 levs<br>(511 to 1533<br>euros)<br><br>Art 81: 500 to 1,500 levs,<br>( 255 to 766 euros)  | Art 173: up to 2<br>years<br><br>Penal Code Art. 227 :<br>up to 3 years   |
| <b>CYPRUS</b>             | Law 133(1) of 2006  | Art9 : up to 3000 pounds   | Art 9 : up to 3 years   |
| <b>CROATIA</b>            | Criminal Code (1998,<br>amended 2003)   | Art 232 : undefined fine<br><br>Art 285 : undefined fine   | Art 232 : up to 3<br>years and 5years in<br>aggravated cases<br><br>Art 285: up to 3 years<br>and 5years in<br>aggravated cases |
| <b>CZECH<br/>REPUBLIC</b> | Criminal Code<br>(law No. 140/1961 Coll., as<br>amended 2000)   | Sec 151: undefined fine  | Sec 151: up to 2<br>years   |
| <b>DENMARK</b>            | Danish Patents Act<br>(consolidated Patent Act<br>926 22/9 2000)<br><br>Danish Trademarks Act<br>(Act No. 162 of 21st<br>February 1997)   | Sec 57: undefined fine<br><i>(The size of the fine is generally<br/>determined on the basis of the<br/>nature and seriousness of the<br/>violation but the infringing party's<br/>ability to pay is also taken into<br/>account)</i><br><br>Sec 42: undefined fine | Sec 57: up to 1 year<br><br>Sec 42: up to 1 year  |

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| <b>ESTONIA</b> | Penal Code<br>(24.01.2007 entered into force 15.03.2007 - RT I 2007, 13, 69)  | Art 226/227: undefined fine   | Art 226/227: up to 3 years  |
| <b>FINLAND</b> | Penal Code of Finland<br>(39/1889; amendments up to 650/2003 included)  | Chap 49, Sec 2: undefined fine  | Chap 49, Sec 2: up to 2 years   |
| <b>FRANCE</b>  | Intellectual Property Code<br>Consolidated version of 1 <sup>st</sup> April 2008  | Art L.615-14: up to 300 000 euros and even 500 000 euros in aggravated cases (dangerous products, criminal bands...)<br><br>Art L.716-9: up to 400 000 euros and even 500 000 euros in aggravated cases (dangerous products, criminal bands...) | Art L.615-14: up to 3 years and even 5 years in aggravated cases (dangerous products, criminal bands...)<br><br>Art L.716-9: up to 4 years and even 5 years in aggravated cases (dangerous products, criminal bands...)   |
| <b>GERMANY</b> | Patent Law<br>as amended by the Laws of July 16 and August 6, 1998<br><br>Trademark Law<br>as amended by the Laws of July 16 and August 6, 1998 | Part 9, Art 142: undefined fine<br><br>Part 8, art 143: undefined fine  | Part 9, Art 142: up to 3 years<br><br>Part 8, art 143: up to 3 years  |
| <b>GREECE</b>  | Greek patent law<br>No 1733/1987<br><br>Greek Trademark Law<br>Law No. 2239 of September 16, 1994   | Art 17: at least 50 000 drachmas (146 euros)<br><br>Art 28: up to 200 000 drachmas (587 euros)  | Art 17: up to 1 year<br><br>Art 28: at least 3 months   |
| <b>HUNGARY</b> | Act IV of 1978<br>on the Criminal Code  | Sec 329/D: undefined fine   | Sec 329D: up to 2 years<br><br><i>(3) The punishment shall be</i><br><i>a) imprisonment of up to five years, if the violation of industrial design rights results in particularly considerable financial injury,</i><br><i>b) imprisonment between two to eight years, if the violation of industrial design rights results in particularly substantial financial injury.</i> |

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| <b>ICELAND</b>     | Patents Act<br>No. 17/1991, amended<br>according to act 127/2005  | Sec 57 : undefined fine   | Sec 57 : up to 3<br>months ‘’ under<br>aggravated<br>circumstances’’                                    |
|                    | Trade Marks Act<br>No. 45/1997  | Art 42 : undefined fine   | Art 42 : up to 3<br>months  |
| <b>IRELAND</b>     | Patents Infringements are<br>the subject of civil<br>proceedings only                                   | Patents Infringements are<br>the subject of civil<br>proceedings only   | Patents Infringements<br>are the subject of<br>civil proceedings<br>only                                |
|                    | Trade Marks Act, 1996   | Art 93 : up to 200 000 £<br>(253.910 euros)   | Art 93 : up to 2 years  |
| <b>ITALY</b>       | Penal Code<br>Amended according to act<br>of 21.11.2007   | Art 473: up to 2065 euros   | Art 473: up to 3 years  |
| <b>LATVIA</b>      | Criminal Code<br>Version of 22 January<br>2004  | Sec 147: up to two hundred<br>times the minimum<br>monthly wage   | Sec 147: up to 3<br>years, and even up to<br>5 years if committed<br>using violence...                  |
|                    |   | Sec 206 : up to one<br>hundred times the<br>minimum monthly wage<br>and even two hundreds<br>times if repeated or if<br>substantial harm is caused<br>(min wage is 120 euros) | Sec 206 : up to 1<br>year, and even up to 5<br>years if repeated or if<br>substantial harm is<br>caused |
| <b>LITHUANIA</b>   |   |   |   |
| <b>LUXEMBOURG</b>  |   |   |   |
| <b>MALTA</b>       | Criminal Code amended<br>by Ordinance of 2004   | Art 298: undefined fine   | Art 298: from 4<br>months up to 1 year  |
| <b>NETHERLANDS</b> | Patents Act of the<br>Kingdom 1995  | Art 79: up to 18.500 euros<br>( a fine of the fourth<br>category out of six)  | Art 79: up to 6<br>months   |
| <b>NORWAY</b>      | Norwegian Patents Act<br>Act No. 9 of December 15,<br>1967, as amended by act<br>No.80 of June 29, 2007 | Chap 9, Sec 57 : undefined<br>fine  | Chap 9, 57 : up to 3<br>months  |
|                    | Trademarks Act<br>Act No. 4 of March 3,<br>1961, as last amended by<br>Act No. 15 of May 1, 2003        | Chap 7, &37 : undefined<br>fine   | Chap 7, &37 : up to 3<br>months   |

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| <b>POLAND</b>   | Act of June 30, 2000 on Industrial Property Law as amended by act of 23 January 2004   | Art 303: undefined fine<br><br>Art 305: undefined fine  | Art 303: up to 2 years<br><br>Art 305: up to 2 years                     |
| <b>PORTUGAL</b> | Industrial Property Code. Decree-Law No. 36/2003, of March 5, 2003   | Art 261: "a fine accumulating for up to 360 days"<br><br>Art 264: " a fine accumulating for up to 240 days"   | Art 261: up to 3 years<br><br>Art 264: up to 2 years                     |
| <b>ROMANIA</b>  | Law no.28/2007 for amending and completing the Patent Law no. 64/1991<br><br>Law no 84/1998, on Marks and Geographical Indications | Art 59: from 50.000 to 100.000 ROL<br><br>Art 83: 15 million ROL  | Art 59: from 6 months to 2 years<br><br>Art 83: from 3 months to 3 years |
| <b>SLOVAKIA</b> |  |   |  |
| <b>SLOVENIA</b> | Criminal Code No 55/2008 from June 4th, 2008   | Chap 24, Art 231: up to 75,000,000 (seventy-five million) tolar, or up to 100 (one hundred) times the amount of damage caused or property benefit obtained through the criminal offence | Chap 24, Art 231: up to 3 years  |
| <b>SPAIN</b>    | Penal Code RCL 1995/3170 Version 30/05/2008  | Art 273: from 12 to 24 months the per diem rate<br><br>Art 274: from 12 to 24 months the per diem rate  | Art 273: 6 months up to 2 years<br><br>Art 274: 6 months up to 2 years   |

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| <b>SWEDEN</b>         | <p>Trademark Act Law No.644 of December 2, 1960, as last amended by Act 1278 of December 7, 1995</p> <p>Swedish Patent Act No. 837 of 1967, as amended by Acts 1158 of December 7, 2000</p>  | <p>Art 37: undefined fine</p> <p>Chap 9, Sec 57: undefined fine</p>  | <p>Art 37: up to 2 years</p> <p>Chap 9, Sec 57: up to 2 years</p>  |
| <b>SWITZERLAND</b>    | <p>LBI Swiss Patent Act 25 June 1954 (Last version 1st May 2008)</p> <p>LPM Swiss Trademark Act 28 August 1992 (Last version 13 June 2006)</p>   | <p>Chap 3, Art 81 : up to 100 000 CHF</p> <p>Chap 2, Art 61: up to 100 000 CHF</p>   | <p>Chap 3, art 81 : up to 1 year</p> <p>Chap 2, Art 61: up to 1 year</p>   |
| <b>TURKEY</b>         | <p>Decree-Law No.551 Pertaining to the Protection of Patent Rights<br/>In force as from, 1995 amended by Law No. 4128 of November 07, 1995</p> <p>Decree-Law No.551 Pertaining to the Protection of Trademarks<br/>In force as from, 1995 amended by Law No. 4128 of November 07, 1995</p> | <p>Art 73 : between six hundred million and one billion liras</p> <p>Art 61: : between six hundred million and one billion liras</p>       | <p>Art 73 : between two and four years</p> <p>Art 61: between two and four years</p>   |
| <b>UNITED KINGDOM</b> | <p>Copyright, Designs and Patent Act 1988</p> <p>Trade Marks Act 1994 Amended by the Intellectual Property Regulations 2006 (SI 2006/1028) (29th April 2006).</p>  | <p>Sec 107: 5 000 pounds sentence or undefined fine if indictment</p> <p>Sec 92: 5 000 pounds sentence or undefined fine if indictment</p> | <p>Sec 107: up to 6 months or up to 10 years if indictment</p> <p>Sec 92: up to 6 months or up to 10 years if indictment</p> |
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| <b>ARGENTINA</b> | <p style="text-align: center;">Trademark Law<br/>22,362 of 26 December,<br/>1980</p> <p style="text-align: center;">Argentine Patent Law No<br/>24,481 as amended by Law<br/>No. 24.572 of 1995</p>  | <p>Art: from 1 million to 150 million pesos</p> <p>Sec 75: undefined fine</p>  | <p>Art: from 3 months up to 3 years</p> <p>Sec 75: from 6 months up to 3 years</p>  |
| <b>BRAZIL</b>    | <p style="text-align: center;">Industrial Property Law<br/>Law No. 9.279, of May 14,<br/>1996 as amended by Law<br/>10.196 of February 14,<br/>2001</p>  | <p>Art 186: undefined fine</p> <p>Art 189: : undefined fine</p>  | <p>Art 186: from 1 month up to 1 year</p> <p>Art 189: from 3 months up to 1 year</p>  |
| <b>CANADA</b>    | <p style="text-align: center;">Criminal Code<br/>R.S., 1985, c. C-46</p>   | <p>There are no criminal law sanctions in Canada for patent infringement.</p> <p>Art 415: undefined fine</p>   | <p>There are no criminal law sanctions in Canada for patent infringement.</p> <p>Art 415: imprisonment for a term not exceeding two years</p> |
| <b>JAPAN</b>     | <p style="text-align: center;">Patent Law<br/>Law No. 121 of April 13,<br/>1959,<br/>as amended by Law No.<br/>220 of December 22, 1999</p> <p style="text-align: center;">Trademark Act No.127 of<br/>April 13, 1959 as amended<br/>by Act No. 75 of 2005</p> | <p>Sec 196: up to 5,000,000 yen</p> <p>Art 78: up to 5,000,000 yen</p>   | <p>Sec 196: up to 5 years</p> <p>Art 78: up to 5 years</p>  |
| <b>USA</b>       | <p style="text-align: center;">Trademark Counterfeiting<br/>Act of 1984, Pub. L. No.<br/>98-473</p>  | <p>Art 292: up to \$2,000,000,. A legal person may be fined up to \$5,000,000. A repeat offender may be fined up to \$5,000,000, or fined up to \$15,000,000 in the case of a legal person. 18 U.S.C. § 2320(a).</p> | <p>Art 292 : imprisoned for up to 10 years. A repeat offender may be imprisoned for up to 20 years in the case of a natural person</p>        |