

Act No 300/2005 Coll. Criminal Code

Criminal acts against industrial property rights and copyright

Sections 281 - 283

Section 281

Infringement of trade mark, designation of origin and trade name

(1) A person who puts on market products or provided services marked with the sign identical with the trade mark, the exclusive right for which belongs to other person, or a sign confusingly similar to this trade mark, shall be liable to a term of imprisonment of up to 3 years.

(2) Equal punishment as in paragraph (1) shall be imposed on a person who in order to achieve economic benefit

a) puts into circulation goods unlawfully marked with a sign which is identical or confusingly similar to the registered designation of origin for product and geographical indication for product to which the exclusive right belongs to other person, or

b) unlawfully uses a sign which is identical or confusingly similar to the trade name or to the name of legal or natural person.

(3) A person who committed a criminal offence under the paragraph (1) or (2)

a) and caused a significant damage,

b) due to specific motive for the act; or

c) by serious manner of the act

shall be liable to a term of imprisonment of 1 to 5 years.

(4) A person who committed a criminal offence under the paragraph (1) or (2)

a) and caused damage of large scale, or

b) as a member of an organised crime group

shall be liable to a term of imprisonment of 3 to 8 years.

Section 282

Infringement of industrial rights

(1) A person who infringes the rights to patent, utility model, design, topography of semiconductor or accepted plant variety or animal breed shall be liable to a term of imprisonment of up to 3 years.

(2) A person who committed a criminal offence under the paragraph (1)

a) and caused a significant damage, or by

b) serious manner of the act

shall be liable to a term of imprisonment of 1 to 5 years.

(3) A person who committed a criminal offence under the paragraph (1)
a) and caused a damage of large scale, or
b) as a member of an organised crime group
shall be liable to a term of imprisonment of 3 to 8 years.

Section 283 **Infringement of copyright**

(1) A person who infringes the protected rights to the work, artistic performance, phonogram or audiovisual recording, radio broadcasting or television broadcasting or database shall be liable to a term of imprisonment of up to 2 years.

(2) A person who committed a criminal offence under the paragraph (1)
a) and caused a bigger damage;
b) by serious manner of the act;
c) with a specific motive for the act; or
d) by means of computer system
shall be liable to a term of imprisonment of 6 months to 3 years

(3) A person who committed a criminal offence under the paragraph (1) and caused a significant damage, shall be liable to a term of imprisonment of 1 to 5 years.

(4) A person who committed a criminal offence under the paragraph (1)
a) and caused a damage of large scale, or
b) as a member of an organised crime group
shall be liable to a term of imprisonment of 3 to 8 years.