

Excerpt from the Penal Code (Act No. 40/2009 Coll.)

Part 4
Criminal offences against industrial property rights and against copyright

Section 268
Violation of rights to trademark and other marks

(1) Anyone who sets such products into circulation or provides such services which are unlawfully marked by a trademark subject to someone else's exclusive right, or by a trademark confusable with the above-mentioned trademark, or offers, mediates, produces, imports, exports or otherwise acquires or receives such products for such purpose to himself or someone else, or offers or mediates such service shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.

(2) Anyone who, in order to reach an economic benefit, unlawfully uses a business firm or any marking confusable with such business firm, or sets such products or services into circulation which are unlawfully marked by an appellation of origin or geographic denomination, or by a marking confusable with such marking, or offers, mediates, produces, imports, exports or otherwise acquires or receives such products or services for such purpose to himself or someone else shall be punished the same way as above mentioned.

(3) An offender shall be punished by imprisonment for a term of six months to five years, with a fine or by forfeiture of a thing or other property value:

- a) if he or she gains significant profit for themselves or for anybody else by committing the offence referred to in paragraph 1 or 2, or
- b) if he or she commits such an offence on a significant scale.

(4) An offender shall be punished by imprisonment for a term of three to eight years:

- a)) if he or she gains significant profit for themselves or for anybody else by committing the offence referred to in paragraph 1 or 2, or
- b) if he or she commits such an offence on a significant scale.

Section 269
Violation of protected industrial rights

(1) Anyone who unlawfully encroaches upon the rights pertaining to a protected invention, industrial design, utility model or topography of semiconductors in a non-negligible manner shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.

(2) An offender shall be punished by imprisonment for a term of six months to five years, with a fine or by forfeiture of a thing or other property value:

- a) a) if the offence referred to in paragraph 1 displays the features of commercial or other business activity,
- b) if he or she gains significant profit for themselves or for anybody else by committing such an offence, or
- c) if he or she commits such an offence on a significant scale.

(3) An offender shall be punished by imprisonment for a term of three to eight years:

- a)) if he or she gains significant profit for themselves or for anybody else by committing the offence referred to in paragraph 1, or
- b) if he or she commits such an offence on a significant scale.

Section 270

Violation of copyright, rights related to copyright and database rights

- (1) Anyone who unlawfully encroaches upon the legally protected rights pertaining to an author's work, an artist's performance, an audio or audio-visual recording, a radio or television broadcast or a database in a non-negligible manner shall be punished by imprisonment for a term of up to two years, by a prohibition of activity or by forfeiture of a thing or other property value.
- (2) An offender shall be punished by imprisonment for a term of six months to five years, with a fine or by forfeiture of a thing or other property value:
 - a) if the offence referred to in paragraph 1 displays the features of commercial or other business activity,
 - b) if he or she gains significant profit for themselves or for anybody else by committing such an offence or thereby causes significant damage to anybody else, or
 - c) if he or she commits such an offence on a significant scale.
- (3) An offender shall be punished by imprisonment for a term of three to eight years:
 - a) if he or she gains large-scale profit for themselves or for anybody else by committing an offence referred to in paragraph 1 or thereby causes large-scale damage to anybody else, or
 - b) if he or she commits such an offence on a large scale.

Section 271

Falsification and imitation of work of art

- (1) Anyone who falsifies a copyrighted work of art or imitates a creative expression of another author with the intention of letting the new work be considered an original work of such author shall be punished by imprisonment for a term of up to three years, by a prohibition of activity or by forfeiture of a thing or other property value.
- (2) An offender shall be punished by imprisonment for a term of one to six years:
 - a) if he or she commits the offence referred to in paragraph 1 as a member of an organized group,

b) if he or she gains significant profit for themselves or for anybody else by committing such an offence, or

c) if he or she commits such an offence on a significant scale.

(3) An offender shall be punished by imprisonment for a term of three to ten years:

a) if he or she gains significant profit for themselves or for anybody else by committing the offence referred to in paragraph 1, or

b) if he or she commits such an offence on a significant scale.