

INSERTS FROM THE RELEVANT PROVISIONS REFERRING TO COPYRIGHT AND RELATED RIGHTS FROM THE AMENDMENTS OF THE PENAL CODE – **Unofficial text (“DISCLOSED IN “OFFICIAL GAZETTE OF THE REPUBLIC OF MACEDONIA” NO. 07/08 FROM JANUARY 15, 2008)**

Infringement of the copyright and related rights

Article 157

- (1) Whoever, in his own name or the name of another, without authorization, discloses, presents, reproduces, distributes, performs, broadcasts or in any other way, without authorization, uses someone's copyright or related rights, copyright work, performance or subject matter of the related rights, shall be punished with a fine or imprisonment from six months up to three years.
- (2) Whoever by the commitment of the criminal act referred to in paragraph 1 has done through computer system, shall be punished by imprisonment from six months up to three years.
- (3) Whoever by the commitment of the criminal act referred to in paragraph 1 has committed considerable pecuniary gain shall be punished by imprisonment from six months up to five years.
- (4) Whoever by the commitment of the criminal act referred to in paragraph 1 has acquired a significant pecuniary gain shall be punished by imprisonment from one year up to five years.
- (5) Attempt is punishable.
- (6) Copies of the copyright works and subject matters of the related rights, as well as the means for duplication shall be seized.
- (7) If the commitment of the criminal act referred to in paragraphs 1 and 3 has been done by a legal entity, it shall be punished by a fine.
- (8) Institution of the infringement of a moral right shall be instituted following a motion..

Infringement of the right of distributor of technical particularly protected satellite signal

Article 157-a

- (1) Whoever, without the authorization of a authorized distributor of the technical particularly protected satellite signal, manufactures, imports, distributes, rents or otherwise makes available to the public, or , provides services of installing tangible or intangible device or system for decoding such signal, shall be punished by imprisonment from six months up to three years.
- (2) If the commitment of the criminal act referred to in paragraph 1 has resulted with a significant pecuniary gain or has caused a significant damage, shall be punished by imprisonment from one year up to five years.

(3) Whoever receives an encrypted satellite signal that has been decoded without the authorization of its authorized distributor or further distributes such signal, shall be punished by imprisonment from six months up to five years.

(4) If the commitment of the criminal act referred to in paragraph 3 has resulted in a significant pecuniary gain or has caused a significant damage, shall be punished by imprisonment from one year up to five years.

(5) If the commitment of the criminal act referred to in paragraphs 1 and 3 has been done by a legal entity, it shall be punished by a fine.

(6) The object intended or used for the commitment of the criminal act or resulting from the commitment of the criminal act, shall be seized.

#### Piracy over audiovisual works

##### Article 157-b

(1) Whoever, without the authorization of a film producer or the authorized distributor to whom the film producer has transferred its own right of the audiovisual work, or manufactures, imports, reproduces, distributes, stores, rents, puts into circulation or otherwise makes available to the public, or provides other act in course of distribution, renting, publicly presenting, putting into circulation, making available to the public or otherwise without authorization, uses audiovisual work, video gram or its unauthorized reproduced copies, shall be punished by imprisonment from six months up to three years.

(2) If the commitment of the criminal act referred to in paragraph 1 has resulted in a significant pecuniary gain or has caused a significant damage, shall be punished by imprisonment from one year up to five years.

(3) If the commitment of the criminal act referred to in paragraph 1 has been done by a legal entity, it shall be punished by a fine.

(4) The object intended or used for the commitment of the criminal act or resulting from the commitment of the criminal act, shall be seized.

#### Piracy over phonogram

##### Article 157-c

(1) Whoever, without the authorization of a phonogram producer or society for collecting management of the rights of the phonogram producer, manufactures, reproduces, distributes, stores, rents, puts into circulation or otherwise makes available to the public, or provides other act in course of distribution, renting, putting into circulation, making available to the public or otherwise without authorization uses phonogram, or its unauthorized reproduced copies, shall be punished by imprisonment from six months up to three years.

(2) If the commitment of the criminal act referred to in paragraph 1 has resulted in a significant pecuniary gain or has caused a significant damage, shall be punished by imprisonment from one year up to five years.

(3) If the commitment of the criminal act referred to in paragraph 1 has been done by a legal entity, it shall be punished by a fine.

(4) The object intended or used for the commitment of the criminal act or resulting from the commitment of the criminal act, shall be seized.