

Law (2020:545) amending the Trademarks Act (2010:1877)

Issued on the 17th of June 2020

Chapter 8

Article 1¹ Anyone who infringes the right in a trade symbol (trademark infringement), if the act is committed intentionally or by gross negligence, is punishable for *trademark violation* with a fine or imprisonment for up to two years.

If the violation was committed intentionally and is considered serious, the person is punishable for *serious trademark violation* with imprisonment for a minimum of six months up to a maximum of six years. When assessing whether the violation is serious, particular consideration has to be given to whether the act concerned

1. has been preceded by particular planning,
2. was part of criminal activities conducted in an organised form,
3. was conducted on a large scale, or
4. was otherwise of a particularly dangerous nature.

The first and second Paragraphs do not apply in the event of an infringement of the right in a trade symbol referred to in Chapter 1, Article 10, third Paragraph. Anyone who has violated an injunction issued with a penalty of a fine pursuant to Article 3, must not be held liable for infringements covered by the injunction.

Responsibility is assigned under Chapter 23 of the Criminal Code for attempting to commit or preparation of trademark violation or serious trademark violation.

The prosecutor may initiate a prosecution for violations only if the prosecution is motivated for being in the public interest. (Act 2020:545).

This Act enters into force on the 1 September 2020.

¹ Latest version 2018:1652.