Republic of Lithuania

Law Supplementing the Criminal Code with Articles 142, 142, 143 and Amending and Supplementing Articles 35, 142, 308, 321 thereof

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Article 1. Amendment to paragraph 1 of Article 35

To insert in paragraph 1 of Article 35 after words “trafficking in persons (Article 131)”, the words “infringement of copyright and neighbouring rights” (paragraph 2 of Article 142), to replace the words “the use of the trade mark of another company (Article 308)” insert the words “illicit use of trade marks and service marks (paragraph 2 of Article 308)” and to set it forth to read as follows:

“Confiscation of property is an additional penalty imposed by court for the following crimes: genocide (Article 71), abuse of authority, (Article 74), banditism (Article 75), illegal carriage of foreigners across the state border of the Republic of Lithuania or hiding and carriage of foreigners who illegally crossed the state border (paragraphs 2 and 3 of Article 82), carriage of the citizens of the Republic of Lithuania abroad for their illegal stay there or leaving them there without any support (paragraph 2 of Article 82), premeditated murder from selfish motives (point 8 of Article 105), taking of hostages (Article 131), trafficking in persons (Article 131), infringement of copyright and related rights (paragraph 2 of Article 142), importation, transit or export of strategic goods and technologies without a licence (Article 214), criminal association (Article 227), premeditated act of terrorism (Article 227), illegal manufacturing, acquiring, keeping, carrying, sending, selling or any other distribution of psychotropic or narcotic substances (paragraphs 3, 4 and 5 of Article 232), robbery of psychotropic or narcotic substances (Article 232), inducement to use psychotropic or narcotic substances (paragraphs 2 and 3 of Article 232), robbery of firearms, ammunition, explosives or explosive substances (Article 234), robbery of radioactive substances (Article 234), theft (paragraphs 2, 3 and 4 of Article 271), robbery (Article 272), extortion of property (Article 273), fraud (paragraph 3 of Article 274), embezzlement (paragraph 3 of Article 275), passive bribery (Article 282), bribery (paragraph 2 of Article 284), abuse of office (paragraph 2 of Article 285), abuse of power (paragraph 2 of Article 287), fraudulent misrepresentation (paragraph 2 of Article 289), illegal commercial, business, financial or professional activities (Article 306), illegal company activities (Article 307), illegal use of
Article 2. Amendment to Article 142

To amend Article 142 to read as follows:

“Article 142. Appropriation of Authorship

The issue of the work of science, art or literature (including computer software and databases) or a part thereof or of an invention, the authorship, belonging to another person, is made in one’s own name or its is made available to the public in one’s own name, it shall be punished by imprisonment of up to two years or a fine.

Coercion of the author of a work of science, art or literature (including computer software and databases) or an invention to recognise another person as his co-author or his assignee or to surrender the authorship -

shall be punished by imprisonment of up to three years or a fine.”

Article 3. Supplement of the Code with Article 1421

To supplement the Code with Article 1421:

“Article 1421. Infringement of authors’ rights and related rights

Unauthorised reproduction, keeping, carriage, or dissemination of the works of science, art or literature (including computer software and databases), an audio-visual work or a phonogram for commercial purposes, if the number of reproduced, kept, carried or disseminated copies is in excess of 50 or their total value (calculated according to the retail price of legal copies) is not less than the sum of 10 minimum living standards (MLS) -
The same act committed on a large scale or if such act has been arranged in advance by a group of persons shall be punished by imprisonment of up to two years or a fine.

An act shall be considered to be made on a large scale where the number of the reproduced, kept, carried or distributed copies is not less than 500 items or their total value (calculated according to the retail price of legal copies) is not less than the sum of 100 minimum living standards (MLS)."

Article 4. Supplement of the Code with Article 142²

To supplement the Code with Article 142²:

“Article 142². Destruction or alteration of information, concerning the administration of authors’ rights and related rights

The destruction or alteration of information on the administration of authors’ rights and related rights, which identifies the work, the author of the work, another subject matter of the authors’ rights or a performer, his performance, phonogram, producer of a phonogram, other subject matter of the related rights, as well as other information on the terms and conditions of the use of a work, performance or a phonogram, including all figures or codes, conveying such information, which is either marked on the copies of a work, the recording of the performance or a phonogram, or is provided at the moment of their making available to the public –

shall be punished by imprisonment of up to one year or a fine.”

Article 5. Supplement of the Code with Article 142³

To supplement the Code with Article 142³:

“Article 142³. Unauthorised removal of technical protection measures of copyright and related rights

Unauthorised removal of any technical measures, which are used by the rightholders for the implementation or protection of their authors’ rights or related rights or the production, keeping, carriage or dissemination of such devices (decoders, decoding cards, etc.) for commercial purposes, enabling to remove such technical protection measures, – shall be punished by imprisonment of up to two years and a fine.”

Article 6. Amendment to Article 308

To amend Article 308 to read as follows:

“Article 308. Unauthorised Use of Trade Marks and Service Marks

The manufacture, keeping, carriage or distribution for commercial purposes of the goods marked with a trade mark and service mark identical with or confusingly similar
to the trade mark and service mark protected by the law, as well as reproduction, use, keeping, carriage or distribution for commercial purposes of the trade mark and service mark itself (copies) which is protected by the law, without the authorisation of the rightholder of the trademark and service mark - shall be punished by imprisonment of up to two years or a fine.

The same act committed on a large scale or if such act has been arranged in advance by a group of persons, or which caused considerable damage or which threatened or might have threatened the human lives or health - shall be punished by imprisonment from two to five years or a fine.”

Article 7. Supplement and Amendment to Article 321

1. To supplement Article 321 with paragraph 5:

“The act provided in paragraph 2 of Article 308 of this Code shall be deemed to be committed on a large scale where the number of illegally reproduced, kept, carried or distributed trademarks exceed 1000 or where the number of illegally reproduced, used, kept, carried or distributed trade marks and service marks (copies) exceeds 10 000.

2. To deem paragraph 5 of Article 321 as paragraph 6.

I promulgate this law of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

Draft -2 comparative version

Republic of Lithuania
Law Amending Articles 37, 126 and 143 of the Code of Criminal Procedure
. No …. of xxx 2000

Vilnius


Article 1. Amendment of paragraph 2 of Article 37

To amend paragraph 2 of Article 37 to read as follows:

“In a County Court the judge alone shall investigate cases concerning the crimes provided for in Articles 73, 74, paragraph 2 of Article 82, Articles 82, 83, paragraphs 1 and 2 of Article 85, Articles 104, 107, paragraph 2 of Article 111, paragraph 4 of Article 118, paragraph 1 of Article 131, Articles 142, 142 – 1423, Articles 209, 222, 227 of the Code of the Criminal Procedure (with the exception of cases provided for in paragraph 1 of Article 37 of the Code of
Article 2. Amendment to paragraph 5 of Article 126 and invalidation of paragraph 7 thereof

To amend paragraph 5 of Article 126 to read as follows:

“In exceptional cases, where the case concerning any of the crimes provided for in Article 116, in paragraphs 1 and 3 of Article 117, and Article 133 of the Criminal Code of the Republic of Lithuania are of special public importance or if the victim in the above cases or the case provided for in Article 119 of the Criminal Code, is unable to defend his rights and legitimate interests due to his helpless state, dependence on the defendant or due to some other reasons, the prosecutor shall have the right to institute the proceedings even in the absence of the victim’s complaint. In such cases the proceedings shall be carried out according to the general procedure.”

2. To repeal paragraph 7 of Article 126

Article 3. Amendment to paragraph 1 of Article 143

To amend this Article to read as follows:

“In cases provided for in Articles 62-73, 74, 83, 85, 104-107, 109, 110, 118-121, 124, 129, 131, 132, 134-142, 142, 199, 200-203, 209, 219-224, 229, 237, 245-245, 249, 251-269, 298, 303, 306 and 333-344 of the Criminal Code of the Republic of Lithuania preliminary investigation shall be carried out by the investigators of the prosecutor’s office.”

I promulgate this law of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC