

# THE LAW ON ADMINISTRATIVE VIOLATIONS

## CHAPTER 22. ADMINISTRATIVE VIOLATIONS RELATED TO INTELLECTUAL PROPERTY

### Article 375. Violation of Exclusive Rights of the Patent Holder

1. For an unauthorized manufacturing, use, importation, storage, offer for sale, sale or other form of placing into circulation of a product containing the patented invention, utility model or industrial design as well as for the application of a process protected by the petty patent or a patent, or for the introduction into the circulation or storage of a product for that purpose that was made by the direct application of the process protected by the petty patent or a patent, natural persons shall be fined the amount equal to three to five calculation indicators<sup>1</sup>; officials shall be fined amount equal to twenty to thirty calculation indicators; legal entities shall be fined the amount equal to one hundred and fifty to two hundred calculation indicators; the object of the administrative violation shall be confiscated.

2. For the actions referred to in paragraph 1 of this Article, committed repeatedly within a year after the measures on administrative sanctions have been applied, natural persons shall be fined the amount equal to five to seven calculation indicators; officials shall be fined the amount equal to forty to fifty calculation indicators; legal entities shall be fined the amount equal to two hundred to three hundred and twenty calculation indicators; the object of the administrative violation shall be confiscated.

### Article 376. Unauthorized Manufacture, Importation, Sale, Renting, Other Unauthorized Use of Copies of Works or Phonograms

1. For an unauthorized manufacturing, importation, sale, renting, or other unauthorized use of copies of works or phonograms for commercial purposes, in the absence of elements of a criminal offense, if:

- The copies of works or phonograms are pirated;
- The wrong information about their manufacturers and the source of production as well as other information that may mislead consumers is presented on the copies of works or phonograms; or
- A sign of copyright protection or a sign of protection of related rights is destroyed or altered on the copies of works or phonograms,

natural persons shall be fined the amount equal to seven to ten calculation indicators; officials shall be fined the amount equal to forty to fifty calculation indicators; legal entities shall be fined the amount equal to two hundred to three hundred calculation indicators; the object of the administrative violation shall be confiscated.

2. For the actions referred to in the first, second and third items of the paragraph 1 of this Article, committed repeatedly within a year after the measures on administrative sanctions have been applied, natural persons shall be fined the amount equal to ten to fifteen calculation indicators; officials shall be fined the amount equal to sixty to one hundred calculation indicators; legal entities shall be fined the amount equal to three hundred to four hundred calculation indicators; the object of the administrative violation shall be confiscated.

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<sup>1</sup> 1 Calculation indicator = 35 Somoni (US \$ 8)

**Article 377. Unauthorized Use of Trademark, Service Mark, Appellation of Origin and Company Name**

1. For an unauthorized use of someone else's trademark, service mark, appellation of origin and company name, natural persons shall be fined in the amount equal to seven to ten calculation indicators; officials shall be fined in the amount equal to fifty to seventy calculation indicators; legal entities shall be fined in the amount equal to one hundred to one hundred and fifty calculation indicators; the object of the administrative violation shall be confiscated.

2. For an unauthorized use of a warning marking in respect of a trademark, service mark and appellation of origin not registered in the Republic of Tajikistan, natural persons shall be fined the amount equal to seven to ten calculation indicators; officials shall be fined the amount equal to thirty to fifty; legal entities shall be fined the amount equal to two hundred to two hundred and fifty calculation indicators.

**Article 378. Denial of Submission of the Necessary Income Data and Provision of False Data on Income Received in Connection with the Use of Objects of Copyrights and Related Rights**

1. For the denial of submission of necessary income data and the submission of false data on income received in connection with the use of objects of copyrights and related rights, natural persons shall be fined the amount equal to ten to twenty calculation indicators; officials shall be fined the amount equal to forty to fifty calculation indicators.

2. For the actions referred to in paragraph 1 of this Article, committed repeatedly within a year after the measures on administrative sanctions have been applied, natural persons shall be fined the amount equal to ten to twelve calculation indicators; officials shall be fined the amount equal to fifty to seventy calculation indicators.

**Article 379. Failure to Fulfill the Obligation to Register a License Agreement on the Use of Objects of Copyrights and Related Rights and to Obtain the Prescribed Certificate**

1. For the failure to fulfill the obligation to register a license agreement on the manner of use of the objects of the copyrights and related rights by the users of copyrights and related rights, as provided by the appropriate legislation, and for the failure to obtain the prescribed certificate, natural persons shall be fined the amount equal to seven to ten calculation indicators; officials shall be fined the amount equal to thirty to fifty calculation indicators.

2. For the actions referred to in paragraph 1 of this Article, committed repeatedly within a year after the measures on administrative sanctions have been applied, natural persons shall be fined the amount equal to ten to fifteen calculation indicators; officials shall be fined the amount equal to seventy to one hundred calculation indicators.

**Article 380. The Violation or Failure to Comply With the Specified Requirements When Entering into an Agreement on Concert, Theatrical and Visual Performances**

1. For the violation or failure to comply with the specified requirements by the owners of concert, theater and entertainment facilities when entering into agreements with creative teams and the concerts organizers, if they have formal agreements registered by the authorized body, natural persons shall be fined the amount equal to seven to ten calculation indicators.

2. For the actions referred to in paragraph 1 of this Article, committed repeatedly within a year after the measures on administrative sanctions have been applied, natural persons shall be fined the amount equal to ten to fifteen calculation indicators; officials shall be fined the amount equal to seventy to one hundred calculation indicators.

**Article 381. Violation of the Right of the Right Holder to Receive Royalties**

1. For the denial of payment of royalties for the use of copyrighted works and objects of related rights for the actual public use of the work, or for the violation of the terms set in the agreement and the applicable legislation by the user of such objects of copyright and related rights, natural persons shall be fined the amount equal to seven to ten calculation indicators; officials shall be fined in the amount equal to fifty to seventy calculation indicators.

2. For the actions referred to in paragraph 1 of this Article, committed repeatedly within a year after the measures on administrative sanctions have been applied, natural persons shall be fined the amount equal to ten to fifteen calculation indicators; officials shall be fined the amount equal to seventy to one hundred calculation indicators.