

**LAW ON AMENDING ARTICLES 35, 142, 308, 321² OF THE CRIMINAL CODE
AND SUPPLEMENTING THE CODE WITH ARTICLES 142¹, 142², 143³**

20 April 2000 No.VIII-1646

Vilnius

Article 1. Amendment to Paragraph 1 of Article 35

The words and figure “illegal reproduction of a literary, scientific or artistic work, audiovisual work or a phonogram, import, export distribution, transportation or possession of infringing copies (Article 142¹)” shall be inserted in paragraph 1 of Article 35 after the words “trafficking in persons (Article 131³)”; the words and figures “the use of the trade mark of another company (Article 308)” shall be replaced with the following words and figure: “illicit use of trade marks and service marks (paragraph 2 of Article 308)” and the entire paragraph shall be set forth to read as follows:

“Confiscation of property is an additional mandatory penalty imposed by court for the commission of the following crimes: genocide (Article 71), abuse of authority, (Article 74²), banditism (Article 75), illegal transportation of foreigners across the state border of the Republic of Lithuania or hiding and transportation of foreigners who illegally crossed the state border (paragraphs 2 and 3 of Article 82¹), transportation of the citizens of the Republic of Lithuania abroad for illegal stay or leaving them there without any support (paragraph 2 of Article 82²), murder (item 8 of Article 105), taking of hostages (Article 131¹), trafficking in persons (Article 131³), illegal reproduction of a literary, scientific or artistic work, audiovisual work or a phonogram, import, export, distribution, transportation or possession of infringing copies (Article 142¹), import, transit or export of strategic goods and technologies without a licence (Article 214¹), criminal association (Article 227¹), act of terrorism committed for personal gain (Article 227³), illegal manufacture, acquisition, possession, transportation, sending, sale or any other distribution of psychotropic or narcotic substances (paragraphs 3, 4 and 5 of Article 232¹), robbery of psychotropic or narcotic substances (Article 232²), inducement to use psychotropic or narcotic substances (paragraphs 2 and 3 of Article 232⁵), robbery of firearms, ammunition, explosives or explosive substances (Article 234¹), robbery of radioactive substances (Article 234²), theft (paragraphs 2, 3 and 4 of Article 271), robbery (Article 272), extortion of property (Article 273), fraud (paragraph 3 of Article 274), appropriation of property or embezzlement (paragraph 3 of Article 275), bribe

receiving (Article 282), bribery (paragraph 2 of Article 284), abuse of office (paragraph 2 of Article 285), abuse of authority (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 trade marks and service marks (paragraph 2 of Article 308), manufacture, sale or possession of counterfeit goods, (Article 309), manufacture, possession, transportation, sale of home-made spirituous beverages, home made brew, and other strong spirituous beverages, production, sale, transportation or possession of undenatured ethyl alcohol, denatured ethyl alcohol, technical ethyl alcohol and their dilutions, manufacture, possession, transportation and sale of equipment for their production (Article 310), illegal possession, transportation and sale of taxable goods (Article 310¹), consumer deception (Article 311), smuggling (Article 312) unlawful abstention from taking the products from the Republic of Lithuania (Article 312¹), fraudulent misrepresentations regarding the enterprise performance (Article 313), use of loan for other than intended purposes, (Article 314), promotion of bankruptcy (paragraph 2 and 3 of Articles 315), dishonesty or fraud of the debtor (Article 316), industrial espionage (Article 317), receiving unlawful gratuities (Article 320), abuse of trust in business activities (Article 321), fraudulent accounting (Article 323), presenting knowingly false data on income or profit (Article 324), tax evasion (Article 325), money laundering (Article 326), unlawful granting of bank loan (paragraph 2 of Article 326¹), manufacture, possession or circulation of counterfeit money or securities (Article 327), manufacture of counterfeit post stamps, travel tickets (Article 328), manufacture, sale, possession or use of counterfeit banderoles for goods or other special stamps (Article 328¹), violation of legislative enactments regulating operations with money or securities (Article 329), obtaining a bank loan by deception (Article 329¹), persistent avoidance to repay the loan (paragraph 2 of Article 329²), exiling civilians of an occupied country (Article 334), violation of the international humanitarian legal norms on the protection of civilians and their rights in time of war (Article 336), destruction of protected objects or plunder of national treasures (Article 339).”

Article 2 . Amendment to Article 142

Article 142 shall be amended and set forth to read as follows:

“Article 142. Appropriation of Authorship

Publication or communication to the public in one’s own name of a scientific, artistic or literary work (including computer software and databases) or of a part thereof or of an invention, the authorship whereof belongs to another person -

shall be punishable by imprisonment for a term of up to 2 years or a fine.

Coercing the author of a scientific, artistic or literary work (including computer software and databases) or of a part thereof, or the author of an invention to recognise another person as co-author or the assignee or to surrender the authorship by abusing one’s official position or threatening the author or those close to him with violence or destruction of property or injury or disclosure of compromising details -

shall be punishable by imprisonment for a term of up to 3 years or a fine.”

Article 3. Supplementing the Code with Article 142¹

The Code shall be supplemented with the following Article 142¹:

“Article 142¹. Illegal Reproduction of a Literary, Scientific or Artistic Work, Audiovisual Work or a Phonogram, Import, Export, Distribution, Transportation or Possession of Infringing Copies

Illegal reproduction of a literary, scientific or artistic work, audiovisual work or a phonogram, (including computer software and databases), import, export distribution, transportation or possession for commercial purposes of infringing copies, if the total value of reproduced, possessed, transported or distributed infringing copies (calculated based on the retail prices of legitimate copies) equals the amount of at least 100 minimum livings standards (MLS) or the above act committed by a group of conspiring persons -

shall be punishable by imprisonment for a term of up to 2 years or a fine.

Article 4. Supplementing the Code with Article 142²

The Code shall be supplemented with the following Article 142²:

“Article 142². Destruction or Alteration of Copyright or Related Rights Management Information

The destruction or alteration of copyright or related rights management information which identifies the work, the author of the work, another owner of copyright or performer, his performance, phonogram, producer of a phonogram, another owner of related rights, as well as other information about the terms and conditions of use of the work, performance or phonogram, including all the numbers or codes that

represent such information which is attached to a copy of the work, a fixed performance or a phonogram, or appears in connection with their communication to the public –
shall be punishable by imprisonment for a term of up to 1 year or a fine.”

Article 5. Supplementing the Code with Article 142³

The Code shall be supplemented with the following Article 142³ :

“Article 142³. Unauthorised Removal of Technical Protection Measures of Copyright or Related Rights

Unauthorised removal of any technical protection measures which are used by the owners of the copyright or related rights in connection with the exercise or protection of their rights as well as the manufacture, import, export, possession, transportation or distribution for commercial purposes of appropriate devices (decoding devices, decoding cards, etc.), enabling to remove such technical protection measures –

shall be punishable by imprisonment for a term of up to 2 years or a fine.”

Article 6 .Amendment to Article 308

Article 308 shall be amended and set forth to read as follows:

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

The manufacture, possession, transportation or distribution for commercial purposes of goods marked with a trade mark or service mark identical or confusingly similar to the trade mark and service mark protected by law, as well as reproduction, use, possession, transportation or distribution for commercial purposes of a trade mark and service mark (units of the mark) protected by law, without the authorisation of the holder of the trademark and service mark -

shall be punishable by imprisonment for a term of up to 2 years or a fine.

The said act committed on a large scale or by a group of conspiring persons, or which caused considerable damage to the plaintiff or endangered or could have endangered human life or health -

shall be punishable by imprisonment for a term of 2 to 5 years or a fine.”

Article 7. Supplementing Article 321² with Paragraph 5

1. Article 321² shall be supplemented with paragraph 5:

“The act provided for in paragraph 2 of Article 308 of this Code shall be considered committed on a large scale where the number of illegally manufactured, possessed, transported or distributed items of goods exceeds 1000 or where the number of illegally

reproduced, used, possessed, transported or distributed trade marks and service marks (copies) exceeds 10 000.

2. Former paragraph 5 of Article 321² shall be considered as paragraph 6.

I promulgate this Law passed by the Seimas of the Republic of Lithuania

PRESIDENT OF THE REPUBLIC

VALDAS ADAMKUS