

**THE PENAL CODE OF THE REPUBLIC
OF MONTENEGRO***

CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY RIGHTS

**Infringement of the Author's and Performer's Moral Rights
Article 233**

- (1) Any person who under his name or any other name, in whole or in part, publicizes, places into circulation copies of another person's copyrighted work or performance,

shall be sentenced to up to three years of imprisonment.

- (2) Any person who places into circulation or, with the intent to place them into circulation, holds in possession copies of copyrighted works, performance, phonogram, videogram, broadcast, computer program or a database duplicated or placed into circulation without the authorization, shall be penalized by a sentence referred to in paragraph 1 of this Article.
- (3) Any person committing the offense referred to in paragraphs 1 and 2 of this Article with the intent to acquire economic gain for himself or any other person,

- (2) The objects of the offense and any devices used or intended to be used to commit the offence referred to in paragraph 1 of this Article shall be forfeited, and the objects of the offence shall be destroyed.

Unauthorized Use of Another Person's Patent
Article 237

- (1) Any person who without authorization manufactures, imports, exports, offers to place into circulation, places into circulation, stores or uses for commercial purposes a product or a procedure under the patent protection,

shall be fined or sentenced to up to three years of imprisonment.

- (2) Where by committing an offense referred to in paragraph 1 of this Article, a financial gain has been acquired or a damage has been caused in the amount exceeding €thirty thousand,

the perpetrator shall be sentenced to minimum of one to maximum of eight years of imprisonment.

- (3) Any person who without authorization publicizes or renders available the essence of a third party's registered invention before such invention has been publicized in a manner established by the law,

shall be fined or sentenced to up to two years of imprisonment.

- (4) Any person filing an application to register a patent without authorization or a person who provides false or withholds true data on the inventor,

shall be sentenced to minimum of six months to up to maximum of five years of imprisonment.

- (5) The objects of the offenses and any devices used or intended to be used to commit

- (2) Any person who without authorization publicizes or otherwise makes available to the public another person's registered design before such design has been publicized in a manner established by law,

shall be fined or sentenced to up to one year of imprisonment.
- (3) The objects of offences and any items intended for or used to commit the offence referred to in paragraphs 1 and 2 of this Article shall be forfeited, and the objects of the offences shall be destroyed.

Unauthorized Use of a Company Name Belonging to Another
Article 271

Any person who, with the intention to deceive consumers or service users, uses a third