

RELEVANT PROVISIONS OF THE PENAL CODE

THE PENAL CODE OF THE REPUBLIC OF MONTENEGRO¹

CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY

other ~~by~~ publicly communicates, and

shall be fined or sentenced to imprisonment

- 2) Any person who alters or modifies a performance without the permission of the author

shall be fined or sentenced to imprisonment

- (3) Any person who places into circulation a performance in any way that compromises the integrity of the performance

shall be fined or sentenced to imprisonment

- (4) The objects of the offenses and any other objects referred to in paragraphs 1-3 of this article shall be destroyed.

- (5) Prosecution related to criminal offenses referred to in paragraphs 1-3 of this article shall be undertaken upon the criminal complaint of the author.

Unauthorized Use of Copyright

- (1) Any person who without authorization of the author reproduces, distributes, publicly communicates or renders a performance, phonogram, videogram or other object of copyright

shall be sentenced to up to three years of imprisonment

¹ Amendments published in RM Official Gazette No. 47, on July 25, 2006. Effective as of August 3, 2006.

- (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,

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

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

**Unauthorized Circumvention of Measures Intended to Prevent
Infringement of Copyright and Related Rights
and an Information on Right
Article 235**

- (1) Any person who without authorization produces, imports, places into circulation, sells, advertises or holds in possession any devices or means primarily intended for removal, circumvention, or impediment technological measures whose purpose is to prevent infringement of a copyright or related right, or any person who uses such devices and means to infringe a copyright or related right,

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

- (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 Removal or Alternation of the Electronic Information
on Copyright and Related Rights
Article 236**

- (1) Any person who, without authorization, removes or alters electronic information on copyright and related rights, or a person who places into circulation, imports, broadcasts or publicizes or renders available a copyrighted work or a subject of the related right where the information on rights has been removed or altered without authorization,

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

- (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.

(3)