

Republic of Lithuania
Law Supplementing the Criminal Code with Articles 142¹, 142, 143 and Amending and Supplementing Articles 35, 142, 308, 321 thereof

No.....
xx 2000
Vilnius

2000 m.d. No

Vilnius

(Official Gazette, 1961, No 18-147; 1982, No 36-400; 1994, No 60-1182; 1995, No 104-2325; 1996, No 9-217, No 67- 1597, No 73-1748; 1997, No 12-229, No64-1508, No 65-1534, No 69-1733; 1998, No17-397, No42-1140, No 51-1396, No 57-1580, No 67-1937; 1999, No60-1947, No66-2112);

Article 1. Amendment to paragraph 1 of Article 35

To insert in paragraph 1 of Article 35 after words “trafficking in persons (Article 131³)” the words “ infringement of copyright and neighbouring rights” (paragraph 2 of Article 142¹)”, 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 74²), 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 82¹), 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 82²), premeditated murder from selfish motives (point 8 of Article 105), taking of hostages (Article 131¹), trafficking in persons (Article 131³), **infringement of copyright and related rights (paragraph 2 of Article 142¹)**, importation, transit or export of strategic goods and technologies without a licence (Article 214¹), criminal association (Article 227¹), premeditated act of terrorism (Article 227³), illegal manufacturing, acquiring, keeping, carrying, sending, selling 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), 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**

trade marks and service marks (paragraph 2 of Article 308), production, sale or storage of counterfeit goods, (Article 309), manufacturing, keeping, carrying, selling of home-made spirituos beverages, home made brew, and other strong spirituous beverages, production, selling, carrying or keeping of undenatured ethyl alcohol, denatured ethyl alcohol, technical ethyl alcohol and their dilutions, manufacturing, keeping, carrying and selling of equipment for their production (Article 310), deception of consumers (Article 311), smuggling (Article 312) fraudulent non-taking away of products from the Republic of Lithuania (Article 312¹) fraudulent misrepresentations on the enterprise performance (Article 313), use of loan for other than intended purposes, (Article 314), promotion to bankruptcy (paragraph 2 and 3 of Articles 315), dishonesty or fraud of the debtor(Article 316), industrial espionage (Article 317), taking of illegal remuneration (Article 320), abuse of trust in business activities (Article 321), fraudulent accounting (Article 323), presentation of knowingly false data on income or profit (Article 324), tax evasion (Article 325), mes,ilu

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-

shall be punished by imprisonment from two to five 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 321²

1. To supplement Article 321² 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 321² 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

(Official Gazette, 1961, No 18-148; 1993, No26-597; 1994, No 60-1182; 1997, No 69-1730, No 97-2447; 1998, No 17- 398, No 42-1141, No 51-1397, No57- 1581; 1999, No 66-2114);

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, 74¹, paragraph 2 of Article 82, Articles 82¹, 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 131¹, **Articles 142, 142¹ – 142³**, Articles 209, 222, 227¹ of the Code of the Criminal Procedure (with the exception of cases provided for in paragraph 1 of Article 37 of the Code of

Criminal Procedure), Article 227², paragraph 2 of Article 231¹, paragraph 2 of Article 231², paragraph 2 of Article 231³, paragraph 3 of Article 232, Article 234¹, paragraph 3 of Article 232², paragraph 3 of Article 234¹, Articles 234² – 234⁴ paragraph 2 of Article 251, Articles 253, 254, paragraph 3 of Article 256, Articles 257, 261, 264, paragraph 2 of Article 268, paragraph 3 of Article 72, paragraph 3 of Article 273, paragraph 2 of Article 282, paragraph 2 of Article 285, paragraph 2 of Article 287, paragraph 2 of Article 289, paragraph 2 of Article 303, **Article 308**, in paragraphs 2 and 3 of Article 312, paragraph 3 of Article 312¹, and paragraph 2 of Article 327.”

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, 74², 83, 85¹, 104-107, 109, 110, 118-121, 124, 129, 131¹, 132¹, 134-142, **142¹- 142³**, 199⁴, 200-203¹, 209, 219-224, 229, 237, 245¹-245⁴, 249², 251-269, 298, 303, 306¹ 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

