

Law (2020:541) amending the Patents Act (1967: 837)

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Article 57¹ Anyone who infringes the exclusive right conferred by a patent (patent infringement), if the act is committed intentionally or by gross negligence, is punishable for *patent violation* with a fine or imprisonment for up to two years.

If the violation was committed intentionally and is considered serious, the person is punishable for *serious patent violation* with imprisonment for a minimum of six months up to a maximum of six years. When assessing whether the violation is serious, particular consideration has to be given to whether the act concerned

1. has been preceded by particular planning,
2. was part of criminal activities conducted in an organised form,
3. was conducted on a large scale, or
4. was otherwise of a particularly dangerous nature.

Anyone who has violated an injunction issued with a penalty of a fine pursuant to Article 57 b, must not be held liable for infringements covered by the injunction.

Responsibility is assigned under Chapter 23 of the Criminal Code for attempting to commit or preparation of patent violation or serious patent violation.

The prosecutor may initiate a prosecution for violations referred to in this Article only if the prosecution is motivated for being in the public interest. (Act 2020:541).

This Act enters into force on the 1 September 2020.

¹ Latest version 2005:289.