

Law (2020:542) amending the Design Protection Act (1970: 485)

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Article 35¹ Anyone who, commits an act which infringes a design right (design infringement), if the act is committed intentionally or by gross negligence, is punishable for *design right 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 design right 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,
4. was otherwise of a particularly dangerous nature.

Anyone who has violated an injunction issued with a penalty of a fine under Article 35 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 design right violation or serious design right violation.

A 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 (2020:542).

This Act enters into force on the 1 September 2020.

¹ Latest version 2005:291.