

INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

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SPECIAL MENTION

CROATIA

Piracy and enforcement deficiencies: The absence of sustained and consistent IPR enforcement activities in Croatia is a significant problem, particularly for the business software industry. The level of piracy experienced by the business software industry remains at an unacceptably high level. The Business Software Alliance (BSA) estimates that the 2003 business software piracy rate in Croatia was 59%. The recording and software industries report considerable delays with criminal raids as well as poor responses by the police to IPR infringement activity. However, after a special Cybercrime and IP Department was established within the Ministry of the Interior, the police appear to be placing greater emphasis on these cases and have shortened, but not eliminated, delays. Meaningful progress can be expected only after Cybercrime and IP Departments are established in every police district throughout the country. All the copyright industries report that the police lack sufficient resources, in particular concerning the storage of seized pirate material, as well as the appropriate equipment, training, and expertise to effectively conduct their enforcement efforts, even while maintaining good relations with the industries. There are initiatives underway, including within the national CARDs program, to reorganize and create IPR specialists within the State Attorney's Office and the Judiciary.

BSA reports that the State Inspectorate (market police) did act on referrals from the industry in a timely manner in 2004, but that coordination between the State Inspectorate and police is minimal, resulting in many cases that have never been acted upon or never properly prosecuted under Croatian law. Nonetheless, enforcement is hampered by a lack of effective preliminary measures and expedient criminal procedures. Unfortunately, lengthy court proceedings are endemic to all of the copyright industries. Civil injunctions often take longer than six months to be issued, as compared to three days to three weeks, on average for the rest of Central Europe. One sign of progress in 2004 was the long-awaited enactment and application of the Customs Regulations on border enforcement; these regulations have shown initial positive results stemming the cross border flow of pirated products. The copyright industries request further transparency in the area of border enforcement, in particular, that Customs officials need to share information with rightholders about goods that cross the border.