



Cybercrime legislation – country profile

“The former Yugoslav Republic of Macedonia”

This profile has been prepared within the framework of the Council of Europe’s Project on Cybercrime in view of sharing information on cybercrime legislation and assessing the current state of implementation of the Convention on Cybercrime under national legislation. It does not necessarily reflect official positions of the country covered or of the Council of Europe.

Comments may be sent to:

Alexander Seger
Department of Technical Cooperation
Directorate General of Human Rights and Legal Affairs
Council of Europe, Strasbourg, France

Tel: +33-3-9021-4506
Fax: +33-3-9021-5650
Email: alexander.seger@coe.int
www.coe.int/cybercrime

Country:	“The former Yugoslav Republic of Macedonia”
Signature of Convention:	23.11.2001
Ratification/accession:	15.09.2004
Provisions of the Convention	Corresponding provisions/solutions in national legislation <i>(pls quote or summarise briefly; pls attach relevant extracts as an appendix)</i>
<i>Chapter I – Use of terms</i>	
Article 1 – “Computer system”, “computer data”, “service provider”, “traffic data”	
<i>Chapter II – Measures to be taken at the national level</i>	
<i>Section 1 – Substantive criminal law</i>	
Article 2 – Illegal access	
Article 3 – Illegal interception	
Article 4 – Data interference	Art. 251(1) “a computer data or program” of Macedonian Criminal Code
Article 5 – System interference	Art. 251(1) “the use of a computer system” of Macedonian Criminal Code
Article 6 – Misuse of	For Art. 6(a/i)- Art. 251(6) of Macedonian Criminal Code, for Art.

devices	6(a/ii)- Art. 251(6 "or computer data") of Macedonian Criminal Code.
Article 7 - Computer-related forgery	Art. 379-a(1) of Macedonian Criminal Code
Article 8 - Computer-related fraud	Art. 251(4-5) of Macedonian Criminal Code
Article 9 - Offences related to child pornography	Art. 193 and especially Art. 193(3) of Macedonian Criminal Code
Title 4 - Offences related to infringements of copyright and related rights	
Article 10 - Offences related to infringements of copyright and related rights	Art. 286(1 "...or protected invention") of Macedonian Criminal Code can be used. Art. 1, 3, 9, 13, 14, 18, 19, 156, 159, 168 of Law on Copyrights and Related rights of the Republic of Macedonia are to be consulted.
Article 11 - Attempt and aiding or abetting	For Art. 11(1)- Art. 24(1) of Macedonian Criminal Code. For Art. 11(2)- Art. 19 and Art. 251(7) of Macedonian Criminal Code.
Article 12 - Corporate liability	
Article 13 - Sanctions and measures	
<i>Section 2 - Procedural law</i>	
Article 14 - Scope of procedural provisions	
Article 15 - Conditions and safeguards	
Article 16 - Expedited preservation of stored computer data	
Article 17 - Expedited preservation and partial disclosure of traffic data	
Article 18 - Production order	
Article 19 - Search and seizure of stored computer data	For Art. 19(1)- Art. 251(8) of Macedonian Criminal Code
Article 20 - Real-time collection of traffic data	
Article 21 - Interception of content data	
<i>Section 3 - Jurisdiction</i>	
Article 22 - Jurisdiction	
<i>Chapter III - International co-operation</i>	
Article 24 - Extradition	For Art. 23 of Convention- Art.502 of Macedonian Criminal Code For Art. 24(1/a)- Art. 510(3) of Macedonian Criminal Code For Art. 24(5)- Art. 510, especially Art. 510(5-7), see also Art. 511-

	521 and Art. 523-524 of Macedonian Criminal Code, for Art. 24(6)- Art. 510(1) of Macedonian Criminal Code to be consulted
Article 25 – General principles relating to mutual assistance	For Art. 25(3)- Art. 503(2) and Art. 504(2) of Macedonian Criminal Code to be consulted, for Art. 25(4)- Art. 504(3 “decides the court according to the domestic regulations”) of Macedonian Criminal Code
Article 26 – Spontaneous information	
Article 27 – Procedures pertaining to mutual assistance requests in the absence of applicable international agreements	For Art. 27(2/a)- Art. 503 of Macedonian Criminal Code For Art. 27(2/b)- Art. 504(1) of Macedonian Criminal Code For Art. 27(7)- Art. 508(3) of Macedonian Criminal Code
Article 28 – Confidentiality and limitation on use	
Article 29 – Expedited preservation of stored computer data	For Art. 29(1)- Art. 505-a(1) of Macedonian Criminal Code to be consulted
Article 30 – Expedited disclosure of preserved traffic data	
Article 31 – Mutual assistance regarding accessing of stored computer data	
Article 32 – Trans-border access to stored computer data with consent or where publicly available	
Article 33 – Mutual assistance in the real-time collection of traffic data	
Article 34 – Mutual assistance regarding the interception of content data	
Article 35 – 24/7 Network	
Article 42 – Reservations	<p>Declaration from the Ministry of Foreign Affairs of the Republic of Macedonia, dated 7 October 2004, transmitted by the Permanent Representation, and registered at the Secretariat General on 29 November 2004 - Or. Engl.</p> <p>In accordance with Article 24, paragraph 7, sub-paragraph a, of the Convention, the Republic of Macedonia declares that the Ministry of Justice of the Republic of Macedonia is designated as responsible authority to perform the functions mentioned in Article 24, paragraph 7, sub-paragraph a.</p> <p>Period covered: 1/1/2005 - The preceding statement concerns Article(s) : 24</p> <p>Declaration from the Ministry of Foreign Affairs of the Republic of Macedonia, dated 7 October 2004, transmitted by the Permanent Representation, and registered at the Secretariat General on 29 November 2004 - Or. Engl.</p> <p>In accordance with Article 27, paragraph 2, sub-paragraph a, of the</p>

Convention, the Republic of Macedonia declares that the Ministry of Justice of the Republic of Macedonia is designated as central authority to perform the functions mentioned in Article 27.

Period covered: 1/1/2005 -

The preceding statement concerns Article(s) : 27

Declaration contained in a Note verbale from the Permanent Representation of "the former Yugoslav Republic of Macedonia", dated 12 October 2006, registered at the Secretariat General on 13 October 2006 - Or. Engl.

The 24/7 Network point of contact designated by the Republic of Macedonia is:

Mr Marko ZVRLEVSKI
Deputy Public Prosecutor
Department for Fight against Crime and Corruption
Office of Public Prosecutor
ul. Krste Misirkov bb
1000 SKOPJE
Mob phone : 0038970.397849
Email: office@zjorm.org.mk

Period covered: 13/10/2006 -

The preceding statement concerns Article(s) : 35

Appendix 1. Solutions in national legislation.

Macedonian Criminal Code

Damage and unauthorized entering in a computer system

Article 251

(1) One that will, without authorization, erase, change, damage, cover or in other way will make unusable a computer data or program or device for maintenance of the computer system, or will make impossible or more difficult the use of a computer system, data or program or the computer communication, shall be sentenced with a fine or imprisonment up to three years.

(2) The sentence stipulated in the paragraph (1) shall be also imposed to one that will, without authorization, enter in somebody else's computer or system with intention to use his/her data or programs in order to obtain illegal material or other gain for himself/herself or for other or with intention to cause material or other damage or transfer the computer data that are not intended for him/her and which obtained without authorization.

(3) The one that will perform the crimes stipulated in the paragraphs 1 and 2 toward a computer system, data or programs that are protected with special measures of protection or are used in the activities of the state authorities, public enterprises or public institutions or in international communications, or as a member of a group that is formed with intention to perform that crimes, shall be sentenced with imprisonment of one to five years.

(4) If greater material gain is obtained with the crime stipulated in the paragraphs 1 and 2 or if greater damage is caused, the perpetrator shall be sentenced with imprisonment of six months to five years.

(5) If greater material gain is obtained with the crime stipulated in the paragraph 3 or if greater damage is caused, the perpetrator shall be sentenced with imprisonment of one to ten years.

(6) The one that, without authorization, produces, purchases, sells, holds or makes available to other, special facilities, equipment, computer programs or computer data intended or suitable for performing the crimes stipulated in the paragraphs 1 and 2, shall be sentenced with a fine or imprisonment up to one year.

(7) The attempt for the crimes stipulated in the paragraphs 1 and 2 is punishable.

(8) The special facilities, equipment, computer programs or data intended for the crime shall be confiscated.

Production and spreading of computer viruses

Article 251-a

(1) The one that will produce or take from another a computer virus with intention to spread it in somebody else's computer or computer network, shall be sentenced with a fine or imprisonment up to one year.

(2) The one that will cause damage to somebody else's computer, system, data or program using computer virus, shall be sentenced with imprisonment from six months to three years.

(3) If greater damage is caused with the crime stipulated in the paragraph 2 or if the crime is performed by a group formed with intention for performing that crime, the perpetrator shall be sentenced with imprisonment of one to five years.

(4) The attempt for the crimes stipulated in the paragraph 2 is punishable.

Computer forgery

Article 379-a

(1) One that unauthorized will produce, input, change, delete or make useless, with an intention to use them as real, computer data or programs which are determined or suitable to serve as evidence of facts with a value for the legal relations or one that will use such data or programs as real, shall be sentenced with a fine or imprisonment up to three years.

(2) If the crime stipulated in paragraph (1) is performed on computer data or programs that are used in the activities of the state authorities, public institutions, enterprises or other legal entities or individuals that perform activities of public interest or in the legal traffic with foreign countries or if significant damage is caused by their use, the stipulator shall be sentenced with imprisonment of one to five years.

(3) One that unauthorized produces, purchases, sells, holds or makes available to other special devices, means, computer programs or computer data intended for or suitable for performing the crimes stipulated in paragraph 1, shall be sentenced with a fine or imprisonment up to three years.

(4) The attempt of the crimes stipulated in the paragraphs 1 and 3 is punishable.

(5) The special devices, means, computer programs or data for performing of the crime shall be confiscated.

Computer fraud

Article 251-b

(1) The one that, with intention to obtain an illegal material gain, with inputting of untrue data, not inputting true data, forging electronic signature or in other way cause untrue result of the electronic processing and transfer of the data, shall be sentenced with a fine or imprisonment up to three years.

(2) If the perpetrator obtained greater material gain, he/she shall be sentenced with imprisonment of three months to five years.

(3) If the perpetrator obtained significant material gain, he/she shall be sentenced with imprisonment of one to ten years.

(4) The one that will perform the crime with sole intention to damage somebody else, shall be sentenced with a fine or imprisonment up to one year.

(5) If the crime stipulated in the paragraph 4 caused greater material damage, the perpetrator shall be sentenced with imprisonment from three months to three years.

(6) The one that, without authorization, produces, purchases, sells, holds or makes available to other, special facilities, equipment, computer programs or computer data intended or suitable for performing the crimes stipulated in the paragraph 1, shall be sentenced with a fine or imprisonment up to one year.

(7) The attempt for the crimes stipulated in the paragraphs 1 and 4 is punishable.

(8) The special facilities, equipment, computer programs or data intended for the crime shall be confiscated.

(9) For the crime stipulated in the paragraph 4, the procedure is performed upon private lawsuit.

Showing pornographic materials to a child

Article 193

(1) A person who sells, shows or by public presentation in some other way makes available pictures, audio-visual or other objects with a pornographic content to a child, or shows him a pornographic performance, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime was performed through the public media, the offender shall be punished with a fine, or with imprisonment of up to three years.

(3) The punishment from item 2 shall be applied to a person who abuses a

juvenile in the production of audio-visual pictures or other objects with a pornographic content or for pornographic presentations.

(4) The objects from items 1, 2 and 3 shall be confiscated.

Unauthorized use of another's invention or software

Article 286

(1) A person who without authorization uses, publishes, cedes or transfers another's registered or protected invention, shall be punished with a fine, or with imprisonment of up to three years.

(2) The sentence stipulated in the paragraph (1) shall be imposed on the person that will another person's software.

(3) If the crime stipulated in the paragraph (1) is performed by a legal entity, it shall be sentenced with a fine.

(4) The objects shall be confiscated.

(5) Prosecution is undertaken upon proposal.

Attempt

Article 19

(1) A person that intentionally starts the perpetration of a crime, but who does not complete it, shall be punished for an attempted crime for which according to the law a sentence could be pronounced of five years of imprisonment or a more severe punishment, and for the attempt of some other crime only when the law explicitly prescribes the punishment of an attempt.

(2) The offender shall be punished for an attempt within the limits of the punishment prescribed for the crime, and he may be punished more leniently.

Instigation

Article 23

(1) A person that instigates, with intent, another to committing a crime, shall be punished as if he had perpetrated the crime himself.

(2) A person that instigates, with intent, another to commit a crime, for which a sentence of five years of imprisonment or a more severe sentence could be pronounced, and there is not even an attempt of this crime, shall be punished as for an attempted crime.

Accessory

Article 24

(1) A person who with intent assists in the perpetration of a crime, shall be punished as if he had committed the crime himself, and he may be punished more leniently.

(2) As accessory to perpetrating a crime shall be considered especially: giving advice or instructions how to commit the crime; making available to the offender means for committing the crime; removal of hindrances for perpetrating the crime; as well as giving promise in advance for covering up the crime, the offender, the means with which the crime was perpetrated, the traces of the crimes or the objects obtained through the crime.

SANCTIONING A LEGAL ENTITY

Types of sanctions

Article 96-a

(1) For crimes committed by legal entities, the following sanctions may be applied:

- 1) monetary fine;
- 2) temporary ban to perform a specific activity;
- 3) permanent ban to perform a specific activity; and
- 4) termination of the legal entity.

(2) The monetary fine shall be applied in an amount which may not be less than 100.000 or more than 30 million denars. For crimes committed for the purposes of gaining profit or for crimes which cause a more substantial material damage, one may prescribe a fine for twice the maximum amount for this sanction or proportional to the degree of the caused damage or the gained profits, but not more than 20 times the amount

(3) The temporary ban to perform a specific activity in for a time period of one to three years shall be applied in addition to the monetary fine, if during the performance of the activity of the legal entity, a crime has been committed for which crime a physical person would be sentenced with a fine or imprisonment of up to three years, and the manner in which the crime was committed suggests a threat of a repetition of the same crime or commitment of a similar crime.

(4) The permanent ban to perform a specific activity, out of all the activities performed by the legal entity shall be applied in addition to the monetary fine, if a crime has been committed for which crime a physical person would be sentenced with at least three years of imprisonment, and the manner in which the crime was committed suggests a threat of a repetition of the same crime or commitment of a similar crime. The court shall also apply this sanction when a crime has been committed after a previous judgment whereby the legal entity has been temporarily banned from performing a specific activity.

(5) The termination of the legal entity sanction shall be applied in addition to the monetary fine, if a crime has been committed for which crime a physical person would be sentenced with at least five years of imprisonment, and the manner in which the crime was committed suggests a threat of a repetition of the same crime or commitment of a similar crime. The court shall also apply this sanction when a crime has been committed after a previous judgment whereby the legal entity has been permanently banned from performing a specific activity.

(6) The sanction temporary or permanent ban to perform a specific activity and termination of a legal entity, may not be applied to a legal entity established by law, or a political party. Based on a legally effective judgment whereby the legal entity has been sentenced for termination, the competent court shall initiate a procedure, specified by law, for liquidation of the legal entity within 30 days from the day of legal effectiveness of the judgment.

(7) The legal entity for which a bankruptcy procedure has been opened, shall be sanctioned for the crimes committed before the opening of the bankruptcy procedure.

PUNISHMENTS

3.1. The aim of punishment, the types of punishments and conditions for pronouncing them

The aim of punishment

Article 32

Besides the realization of justice, the aim of punishment is:

- (1) to prevent the offender from committing crimes and his correction;
- (2) educational influence upon others, as not to perform crimes.

Types of punishments

Article 33

(1) The criminally accountable persons can be sentenced as follows for the crimes they have committed:

- 1) imprisonment
- 2) fine
- 3) a ban from performing their profession, activity or duty;
- 4) eviction of a foreigner from the country

(2) The sentence of imprisonment may be applied only as the main sentence.

(3) The fine may be applied as a main sentence or as a secondary sentence together with the imprisonment sentence or with the probation sentence with a predetermined imprisonment sentence.

(4) If for a crime the law prescribes an imprisonment sentence or a fine, only of them may be applied as the main sentence, unless the law stipulates that both sentences may be applied.

(5) In addition to the main sentence, one or more secondary sentences may be applied, in compliance with the conditions of applying sentences, stipulated in the law. The law may stipulate that it is obligatory to apply a secondary sentence

(6) The sentence involving a ban for performing the profession, activity or duty, may be applied only as a secondary sentence in addition to the imprisonment sentence or a probation sentence with a predetermined imprisonment sentence.

(7) The sentences related to bans from driving a motor vehicle and eviction of foreign persons from the country, may be applied if the perpetrator is sentenced with imprisonment or a fine, probation or a court reprimand.

(8) The sentence whereby the perpetrator is banned from driving a motor vehicle, may be applied as the only sentence to the perpetrator of a negligence for which a fine or an imprisonment sentence of up to one year has been prescribed, if the perpetrator has committed the crime under particularly extenuating circumstances.

Legality in the pronouncing of a punishment

Article 34

(1) The offender is sentenced to the punishment prescribed for the perpetrated crime, and a more lenient punishment may only be pronounced under the conditions foreseen by this Code.

(2) For crimes perpetrated from self-interest, a fine may be pronounced as secondary punishment even if it is not prescribed by law, or when it is prescribed by law that the offender shall be sentenced with imprisonment or with a fine, and the court pronounces a punishment of imprisonment as the main punishment.

Imprisonment

Article 35

(1) Imprisonment may not be shorter than thirty days, or longer than 15 years. For the crimes for which the law prescribes a life imprisonment sentence, a sentence of imprisonment of up to 20 years may be applied..

(2) If a punishment of 15 years of imprisonment is prescribed for a premeditated crime, a punishment of life imprisonment may be prescribed for severe forms of this crime.

(3) The punishment of life imprisonment may not be prescribed as the only main punishment.

(4) The punishment of life imprisonment may not be pronounced for an offender who at the time the crime was committed has not attained the age of 21 years.

(5) Imprisonment is pronounced with full years and months, and up to six months, also with full days.

(6) When a punishment of imprisonment is prescribed for crimes without appointing a minimal measure, and when the maximum measure is not longer than three years, it is compulsory to also pronounce a fine besides the punishment of imprisonment.

(7) The imprisonment shall take place within facilities for imprisonment sentences, specified by law.

Parole

Article 36

(1) The condemned may be released from serving a punishment of imprisonment under the condition that until the expiration of the period for which the punishment was pronounced he does not perpetrate a new crime; if he has corrected himself so that it can be expected with justification that he would behave well in freedom, and especially that he would not commit crimes. The evaluation whether the condemned shall be set free on parole shall take into consideration his conduct during the serving of his sentence, his performance in the work duties considering his work capability, and other circumstances which show that the aim of the punishment has been achieved.

(2) The condemned that has served one half of a punishment of imprisonment may be released on parole.

(3) As an exception, a condemned who has served one third of a punishment of imprisonment may also be released on parole, under the conditions from item 1, and if special circumstances concerning the personality of the condemned evidently show that the aim of the punishment has been attained.

(4) The condemned sentenced to life imprisonment may not be released on parole before he serves at least 15 years of the punishment of imprisonment.

(5) For the put on probation, the court may specify a protective supervision, which shall comprise special measures of assistance, care, supervision or protection specified by the social authority.

(6) A juvenile may be released on parole from serving a punishment of juvenile imprisonment if he has served one third of the punishment, but not before he stays one year of the duration of the sentence, and if grounds exist to expect that according to the results achieved in correction and reeducation, he would behave well in freedom, continue his education and work, and would not commit crimes in the future. During the parole, the court may determine a measure of intensified supervision.

Revoking parole

Article 37

(1) The court shall revoke the parole if during the time the condemned is under parole he commits one or more crimes for which a sentence has been pronounced of imprisonment or of juvenile imprisonment longer than two years.

(2) The court may revoke the parole if the person on parole commits one or more crimes for which a sentence of imprisonment or juvenile imprisonment of up to two years has been pronounced. In the evaluation whether it shall revoke the parole, the court shall especially take into consideration the similarity of the perpetrated crimes, their significance, the motives why they were perpetrated, and other circumstances that show the justification for revoking the parole or if after two written warnings from the competent authority, fails to fulfill the obligation pertaining to the protective supervision (article 36 paragraph 5).

(3) When the court revokes the parole, it shall pronounce a punishment with applying the provisions from articles 44 and 46 item 2, taking the previously pronounced punishment as already confirmed. The part of the punishment that the condemned has already served according to the previous sentence is calculated into the new punishment, and the time passed on parole is not considered.

(4) The provisions from items 1 to 3 shall be applied also when the person under parole is tried for a crime that he perpetrated before being put on parole.

(5) If the person on parole is sentenced to a punishment of imprisonment or to a juvenile imprisonment of up to two years, and the court does not revoke the parole, the parole is extended for the time which the condemned has passed in serving the punishment of imprisonment, respectively of juvenile imprisonment.

Fine

Article 38

(1) The fine shall be applied in the form of daily fines, where the number of the daily fines may not be less than five or more than 360 daily fines.

(2) The court shall specify the number of daily fines in accordance with the general rules for specifying the fine.

(3) the court shall determine the level of the daily fine having in mind the material and personal circumstances of the perpetrator, starting, as a rule, from the net daily actual or possible income of the perpetrator, as well as the family and other obligations of the perpetrator as well as the material situation of the perpetrator at the time of the passed judgment. The smallest amount of a daily fine may be the denar equivalent of one euro and the highest amount may be the denar equivalent of 5000 euros.

(4) The court decision shall contain the amount of the fine which may be obtained by multiplying the number of the daily fines with the specified amount of a single daily fine.

(5) For the purposes of determining the amount of the daily fine, the court may ask for reports from banks, financial and other institutions, state authorities and legal entities, which shall be obligated to submit the requested reports and can not invoke the principle of a trade or any other secret.

(6) In the case when the fine is applied as a secondary sentence in addition to an imprisonment sentence, the court shall determine the monetary amount, without applying the provisions stipulated in paragraphs 1 to 5. The monetary fine, if applied as a secondary fine, may not be less than the denar equivalent of 20 euros, nor more than the denar equivalent of 5000 euros.

Collection of a monetary fine

Article 38-a

(1) The judgment shall specify the deadline for payment of the fine, which may not be shorter than 15 days nor longer than three months. However, in certain justified cases the court may allow the defendant to pay the fine in installments, provided that the time period for the payment of the entire fine is not longer than two years. If the

perpetrator is a foreign person the court shall specify the fine to be paid without any delay or its payment to be secured in another way.

(2) If the defendant fails to pay the fine within the specified time period, the court may specify a different time period or, if the court determines that the defendant does not want to pay the fine, to order a forced collection of the fine applying a procedure specified by law. If the provision of a new time period, which may not be longer than three months, or the forced collection prove unsuccessful, the court may act as follows: for each unpaid installment it may specify one day imprisonment or, when the fine has been applied as a secondary sentence, for every started denar equivalents of 20 euros, the court may specify one day imprisonment, provided that the total time of imprisonment may not be longer than six months.

(3) If the defendant pays only a part of the fine, the rest will proportionally be transformed into imprisonment time, and if the defendant pays the remainder of the fine, the imprisonment shall be terminated.

(4) After the death of the defendant the fine shall no longer be enforced.

Prohibition to perform profession, activity or duty

Article 38-b

(1) The court may ban the perpetrator which has been sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to disposing, usage, management and handling of property or related to keeping of that property, if the perpetrator has abused his\her profession, activity or duty in order to perform a crime and if, based on the nature of the committed crime and the circumstances surrounding the crime, one may expect the perpetrator may further abuse the activity to commit a future crime.

(2) The court shall determine the duration of the ban stipulated in paragraph (1), which may not be shorter than one or longer than ten years, counting from the day of the legal effectiveness of the judgment, with the provision that the time spent in imprisonment does not count towards the duration of the ban.

(3) When passing a judgment stipulating probation the court may specify that the probation will be revoked if the perpetrator violates the ban to perform the profession, activity or a duty.

Ban to operate a motor vehicle

Article 38-c

(1) The perpetrator of a crime which jeopardizes public traffic may be banned by the court from operating a motor vehicle of a certain type and category, if it finds that the circumstances under which the crime was committed or any previous violations of the traffic rules, suggest that the perpetrator may commit such a crime again.

(2) When passing the sentence stipulated in paragraph 1, the court must arrange for the confiscation of the driving license from the perpetrator or ban any future issuance of a driving license to the perpetrator for the duration of the ban.

(3) The court shall pass the sentence stipulated in paragraph 1, if the crime has been committed in an intoxicated state.

(4) The court shall determine the duration of the ban, which may not be shorter than three months nor longer than five years, counting from the day of legal effectiveness of the judgment, with the provision that the time spent in imprisonment does not count towards the duration of the ban. If the perpetrator of the crime is a professional driver the duration of the ban may not be shorter than one year or longer than ten years.

(5) If the sentence stipulated in paragraph 1 is passed against a person that has a foreign driving license to operate a motor vehicle, the sentence shall ban the perpetrator from operating a motor vehicle on the territory of the Republic of Macedonia.

(6) When passing a judgment stipulating probation the court may specify that the probation will be revoked if the perpetrator violates the ban to operate a motor vehicle.

(7) When passing a judgment banning the operation of a motor vehicle as the only sentence, the court shall specify a fine or an imprisonment sentence which shall be performed if the perpetrator violates the ban.

Eviction of a foreigner from the country

Article 38-d

(1) The court may pass a judgment for eviction of a perpetrator of a crime who is not a citizen of the Republic of Macedonia from the country, when it deems that the nature of the crime, the motives of the perpetrator and the circumstances under which the crime was committed suggest that undesirability of a future stay of the perpetrator in the country.

(2) The sentence stipulated in paragraph 1 may last from one to ten years or forever and commences on the day of the eviction of the perpetrator from the territory of the Republic of Macedonia.

(3) The sentence stipulated in paragraph 1 may not be passed against a perpetrator who enjoys protection in accordance with ratified international agreement."

Macedonian Code of Criminal Procedure

Chapter XXX

PROCEDURE FOR APPROVAL OF INTERNATIONAL JUDICIAL ASSISTANCE AND EXECUTION OF INTERNATIONAL TREATIES IN JUDICIAL CRIMINAL CASES

Article 502

The international judicial criminal assistance will be performed according to the provisions of this law in line with the provisions of the European Convention for the international judicial assistance in the criminal matter with the Protocols, European Convention of United Nations for trans national organize crime and with other international treaties ratified in accordance with the Constitution of Republic of Macedonia

Article 503

(1) The applications of the domestic courts for judicial assistance in the criminal cases are delivered to the foreign agencies in a diplomatic course. In the same manner to the domestic courts are delivered the applications of the foreign agencies for judicial assistance, through the Ministry of Justice or directly from the competent court".(2) In emergencies, if there is mutuality, the applications for judicial assistance may be delivered by the Ministry of internal affairs.

(2) By law it will be determined which courts will be competent for giving international judicial criminal assistance and one court may be assigned to perform the work for all the courts on a certain region.

Article 504

(1) The Ministry of External Affairs will direct the application of the foreign agency for judicial assistance to the Ministry of Justice which will direct it for a procedure to the court on which region the person resides, who has to be handed a writ or who has to be examined or confronted or on which region another investigating act has to be conducted.

(2) In cases under Article 503, paragraph 2 of this Code, the Ministry of Internal Affairs directs the application to the court by the Ministry of Justice.

- (3) On the permission and manner of the conducting of the act, which is the case in the application of the foreign agency, decides the court according to the domestic regulations.
- (4) When the application refers to a crime for which according to the domestic regulations extradition is not allowed, the court will request an instruction from the Ministry of Justice.

Article 505

(1) The domestic courts may accept the application of the foreign agency with which it is requested execution of the criminal sentence by the foreign court or on the international court"

if it is determined with an international treaty, or if there is reciprocity or if the sanction is also pronounced by the domestic court according to the Criminal Code.

(2) The competent court reaches the verdict at the Chamber under Article 22, paragraph 6 of this Code. The public prosecutor and the counsel will be informed of the session of the Chamber.

(3) The local competence of the court is determined according to the last residence of the convicted person in the Republic of Macedonia- according to his place of birth. If the convicted person has not a residence nor was born in the Republic of Macedonia, the Supreme Court of the Republic of Macedonia will determine one of the courts to be competent before which the procedure will be conducted.

(4) The competent court is the court which is determined by law.

(5) In the pronouncement of the verdict under paragraph 2 of this Article, the court will insert the complete pronouncement and the title of the court with the foreign verdict and will pronounce a sanction, appropriate with the verdict pronounced by the foreign court". In the elaboration of the verdict will be presented the reasons for which the court has pronounced the sanction.

(6) Against the verdict may appeal the public prosecutor and the convicted person or his counsel.

(7) If the foreign citizen convicted by a domestic court or if the person authorised with an agreement submits an application to the first degree court the convicted person to serve the sentence in his country, the first degree court will act according to the international treaty

(8) Execution of the verdicts brought by the international court has to be performed in accordance with international treaties ratified in accordance with the Constitution of Republic of Macedonia.

(9) The Criminal Council from article 22 (6) of this law , on the local-govern first degree court, with verdict is confirming the authenticity and execution of the international court verdict and determines the manner of the sanction or the other measures of execution.

Article 505 –a

(1) Domestic courts are proceeding upon the application of the foreign organs for overtaking the temporary measures for ensuring the article 203-a from this law, or towards the execution of measure for property confiscation and property interest and seizure of the objects towards which they have proceeded in accordance with the provisions from the international agreement.

(2) The confiscated property and the property interest or the seized objects could be renounced with the court decision from the foreign country under certain conditions defined with the international agreement.

(3) The domestic (national) courts under special defined conditions which are determined with the international contract can request determination of the temporary measures for ensuring that article 203- a of this law and execution of the confiscation of property and the property interest and seizing of the objects from the foreign organs

(4) In the case when with the international agreement it is regulated that the confiscated property and the property interest shall be divided between the Republic of Macedonia and some other state, such of proposal will be delivered by the Ministry for justice. to the foreign country.

Article 506

For the crimes- making and releasing counterfeit bank notes, unauthorised production and trade with the narcotic drugs, psychotropic substances and precursors, trafficking with human beings, enterprising of pornographic material on child”

as well as other crimes in view of which with the international treaties it is determined centralisation of data, the court before which the criminal procedure is conducted, without delay, is obliged to deliver to the Ministry of Internal Affairs the data for the crime, the criminal and the legally valid verdict.

Article 507

(1) If on the territory of the Republic of Macedonia a crime has been committed by a foreigner who has a residence in a foreign country, out of the circumstances under Article 510 of this Code, to that country may be transferred all criminal records for the criminal prosecution and trial, if the foreign country is not against it.

(2) Before the decision for investigation is brought, the decision for transferring is brought by the competent public prosecutor. During the investigation, the decision on the proposal of the public prosecutor is brought by the investigating judge, and by the beginning of the trial, the Chamber (Article 22, paragraph 6).

(3) Transferring may be allowed for crimes for which a sentence to ten years is anticipated, as well as for the crimes- endangering the public traffic.

(4) If the damaged is a citizen of the Republic of Macedonia, transferring is not allowed if he resists it, unless it is allowed security for realisation of his lawful property request.

(5) If the accused is detained, from the foreign country it will be requested in the briefest possible way within 40 days to state whether it undertakes the prosecution.

Article 508

(1) The request by the foreign country in the Republic of Macedonia to be undertaken prosecution of a citizen of the Republic of Macedonia or of a person who has a residence in the Republic of Macedonia for a crime committed abroad, is directed with the records to the competent public prosecutor on whose region the person has his residence.

(2) If to the competent agency of the foreign country is submitted the lawful property request, it will be proceeded as if the request is submitted to the competent court.

(3) Of the refusal the criminal prosecution to be undertaken as well as whether the decision is legally valid, which has been brought in the criminal procedure, will be informed the foreign country which has submitted the request.

**PROCEDURE FOR EXTRADITION OF ACCUSED AND CONVICTED PERSONS, AND
PROCEDURE FOR TRANSFER OF CONVICTED PERSON**

1. The procedure for extradition of the accused and convicted persons.

Article 509

The extradition of the accused or of the convicted persons will be requested or will be performed in accordance with the provisions of this law, whether with the European Convention of Extradition with the Protocols and with the other international treaties ratified according to the Constitution of the Republic of Macedonia it is not differently regulated

Article 510

(1) Presumptions for extradition are:

- 1) the person whose extradition is requested not to be a citizen of the Republic of Macedonia;
- 2) the crime for which there is a request for extradition not to be committed on the territory of the Republic of Macedonia, against it or against its citizen;
- 3) the crime for which there is a request for extradition to be a crime both according to the domestic law and the law of the country in which it has been committed;
- 4) according to the domestic law the criminal prosecution not to be obsolete or the execution of the punishment not to be obsolete before the foreigner is detained or examined as an accused;
- 5) the foreigner whose extradition is requested not to be convicted before by the domestic court for the same crime, or for the same crime by the domestic court not to be released with a legally valid decision, or against him the criminal procedure not to be interrupted or the prosecution not to be rejected with a legally valid decision, or for the same crime procedure not to be initiated in the Republic of Macedonia or against it or against a citizen of the Republic of Macedonia, unless a guarantee is not issued for realisation of the lawful property request of the damaged;
- 6) the identity of the person, whose extradition is requested to be determined, and
- 7) there to be sufficient evidence for a grounded suspicion that the foreigner, whose extradition is requested, committed certain crime or that there is a legally valid verdict.

Article 511

- (1) Procedure for extradition of accused or convicted foreigners is initiated on the application of the foreign country.
- (2) The application for extradition is submitted in a diplomatic course.
- (3) To the application for extradition must be enclosed:
 - 1) means for determination of the identity of the accused i.e. the convicted person (exact description, photographs, fingerprints and similar);
 - 2) certificate or other data for the citizenship of the foreigner;
 - 3) the prosecution act or the verdict or the decision for detention or another act which is equivalent to this decision, in original or in a certified copy in which has to be noted the name of the person whose extradition is requested and other necessary data for determination of his identity, description of the crime, lawful title of the crime and evidence for the grounded suspicion, and

4) an extract from the text of the Criminal Code of the foreign country which is to be applied or has been applied against the accused for the crime for which there is a request for extradition, and if the crime has been committed on the territory of a third country, also an extract from the text of the Criminal Code of that country.

(4) If the application and the enclosed documents are in a foreign language, it also has to be enclosed a certified translation in Macedonian language.

Article 512

(1) The Ministry of External Affairs delivers the application for extradition of a foreigner by the Ministry of Justice to the investigating judge of the court on whose region the foreigner has resided or on whose region he will be caught.

(2) If the permanent or temporary residence of the foreigner whose extradition is requested is not known, it will be previously determined by the assistance of the police.

(3) If the application is appropriate to the conditions in Article 511 of this Code, the investigating judge will issue an order the foreigner to be detained if there are reasons under Article 184 of this Code, i.e. will undertake other security measures his presence to be secured, unless from the application itself it is obvious that there is no question for extradition.

(4) After he has determined the identity of the foreigner, without any delay the investigating judge will inform the foreigner why and on the basis of which evidence his extradition is requested and he will call him to make a statement at his defence.

(5) For the examination and the defence will be constructed a minutes. The investigating judge will instruct the foreigner that he may choose a counsel or he will assign him a counsel ex officio, if it is a crime for which defence is compulsory according to this Code.

Article 513

(1) In emergencies, when there is a danger that the foreigner might abscond or hide, the Ministry of Internal Affairs may arrest the foreigner to be delivered to the investigating judge of the competent court on the basis of the application of the competent foreign agency, without reference how it is directed. In the application have to be included the data for the certification of the identity of the foreigner, the nature and the title of the crime, the number of the decision, the date, place and title of the foreign agency which has determined the detention and a statement that the extradition will be requested regularly.

(2) When detention is determined in reference of paragraph 1 of this Article, after the examination, the investigating judge will inform of the detention the Ministry of External Affairs by the Ministry of Justice.

(3) The investigating judge will release the foreigner when the reasons for detention cease to exist, or if the application for extradition is not submitted within the period which he has determined, taking into consideration the distance of the country which requests for extradition, and which deadline for delivery of the motion and writs for extradition can not be longer than 40 days from the day when the alien was detained, and the time limit for transferring can not be longer than 180 days from day when he was detained.

(4) When the proscribed application is submitted within the determined period, the investigating judge will proceed according to Article 512, paragraphs 3 and 4 of this Code.

Article 514

(1) After the hearing of the public prosecutor and the counsel, if necessary the investigating judge will conduct other inspections in order to be certified whether there are conditions for the extradition of the foreigner i.e. for delivery of the objects on which or

with which assistance the crime has been committed if the objects have been confiscated from the foreigner.

(2) After the conducted inspections, the investigating judge will submit to the Chamber the inspection records and his opinion.

(3) If against the foreigner whose extradition is requested there is a criminal procedure at the domestic court due to the same or another crime, the investigating judge will notify that in the records.

Article 515

(1) If the Chamber of the competent court finds that the lawful presumptions for extradition are not fulfilled, it will bring a decision that the application for extradition is denied. The decision will be directed ex officio by that court to the Supreme Court of the Republic of Macedonia, which after the hearing of the public prosecutor will either confirm, cancel or alter the decision.

(2) If the foreigner is detained, the Chamber may decide the foreigner to remain in detention until the legally valid decision is reached for the rejection of the extradition.

(3) The legally valid decision with which the extradition is rejected will be directed by the Ministry of Justice to the Ministry of External Affairs, which will inform the foreign country of that.

Article 516

If the Chamber of the competent court finds that the lawful presumptions for extradition of the foreigner are fulfilled (Article 510), it will certify it with a decision. Against the decision the foreigner has a right to an appeal to the competent court.

Article 517

If the court on the appeal finds that the lawful conditions for extradition of the foreigner are fulfilled, i.e. if against that decision of the first degree court an appeal is not submitted, the case is directed to the Ministry of Justice, which will decide on the extradition.

Article 518

(1) The Minister of Justice reaches a decision with which he allows or does not allow the extradition. The Minister of Justice may bring a decision the extradition to be postponed because of the fact that for another crime at the domestic court there is a criminal procedure against the foreigner whose extradition is requested or because the foreigner is serving a sentence in the Republic of Macedonia.

(2) The Minister of Justice will not allow extradition of a foreigner if he has a right of asylum in the Republic of Macedonia or if it is in question a political or military crime. He may reject the extradition if they are in question crimes for which according to the domestic law is proscribed a sentence to three years or if the foreign court has pronounced a sentence of imprisonment to one year.

(1) The Minister of the Justice will not allow the extradition of a foreigner if there are serious reasons of suspicion that he will be subjected of severe torture and other kind of severe, inhuman or humiliating behaviour or pronouncement of death sentence.

(2) Upon the proposition of the Minister of Justice the Government can decide not to permit the extradition where for this there are special justified state interests.

Article 519

(1) In the decision with which it is allowed extradition of a foreigner, the Minister of Justice will note:

1) that the foreigner cannot be prosecuted for another crime committed before the extradition;

2) that against him cannot be executed a sentence for another crime committed before the extradition;

3) that against him cannot be applied a more severe punishment than the one he is convicted of, and

4) that he cannot be extradited to a third country due to prosecution for a crime committed before the allowed extradition.

(2) Apart from the noted conditions, the Minister of Justice may set other conditions for extradition.

Article 520

(1) Of the decision with which it is decided on the extradition will be informed the foreign country in a diplomatic course.

(2) The decision with which the extradition is allowed will be directed to the Ministry of Internal Affairs which orders the foreigner to be apprehended to the border where on the agreed place he will be extradited to the agencies of the foreign country which has requested the extradition.

Article 521

(1) If extradition of the same person is requested by several foreign countries for the same crime, the primacy will be given to the application of the country whose citizen the person is, and if that country does not request the extradition- to the application of the country on which territory the crime has been committed, and if the crime has been committed on the territory of several countries or if it is not known where it is committed- to the application of the country which has first requested for extradition.

(2) If extradition of the same person is requested by several countries for different crimes, the primacy will be given to the application of that country whose citizen the person is, and if that country does not request extradition- to the application of the country on whose region is committed the most severe crime, and if the crimes are equally severe- to the application of the country which has first requested for extradition.

Article 522

(1) If against the person who is in a foreign country, there is a criminal procedure in the Republic of Macedonia or if the person who is in a foreign country is convicted by the domestic court, the Minister of Justice submits an application for extradition.

(2) The application is submitted to the foreign country in a diplomatic course and with it are enclosed the documents and data under Article 511 of this Code.

Article 523

(1) When there is a danger that the person whose extradition is requested might either abscond or hide, before it is proceeded according to Article 522 of this Code, the Minister of Justice may request against that person to be undertaken necessary measures for his detention.

(2) In the application for temporary detention will be particularly noted the data on the identity of the requested person, the nature and title of the crime, the number of the decision, the date, place and title of the body which has determined the detention, i.e. data on the verdict which is legally valid as well as the statement that the extradition will be requested regularly.

(3) The time spent in detention which is determined by the foreign court, is not calculated in the period determined under Article 189, paragraph 1 of this Code.

Article 524

(1) If the requested person is extradited, he may be criminally prosecuted, i.e. against him a sentence executed only for the crime for which the extradition has been allowed.

(2) If that person has also been convicted with a legally valid verdict by the domestic court for other crimes committed before the extradition for which the extradition is not allowed, the provisions of Article 330 of this Code will be accordingly applied.

(3) If extradition is allowed under particular conditions in view of the type or severity of the sentence which may be pronounced i.e. be executed and under these conditions is accepted, during the pronouncement of the sentence, the court is bound to those conditions, and if it is in question an execution of an already pronounced sentence, the court which has proceeded in last degree will alter the verdict and will accord the pronounced sentence to the conditions for extradition.

(4) If the extradited person was detained in a foreign country for a crime for which he is extradited, the time which he spent in detention will be calculated in the sentence.

Article 525

(1) If extradition is requested by a foreign country from another foreign country and the requested person has to be extradited through the territory of the Republic of Macedonia, the extradition on the application of the interested country may be allowed by the Minister of Justice under condition that he is not a citizen of the Republic of Macedonia and the extradition not to be performed for a political or military crime.

(2) The application for extradition of the person through the territory of the Republic of Macedonia has to contain all data under Article 511 of this Code.

2. The procedure for transfer of the convicted persons

Article 525-a

The procedure for the transfer of the convicted person shall be performed in accordance with the provisions from this law in line with the European Convention for transfer of the convicted person with the Additional Protocol and with the others International treaties ratified in accordance with the Constitutions of the Republic of Macedonia.

Article 525-b

(1) The convicted person who is not citizen of Republic of Macedonia can submit request for execution of sanction on the territory of other country which has to be with in accordance with the Convention from the article 525-a of this Law

(2) The requests and the replies related with the procedure for transfer are referred through the Ministry of Justice.

(3) The reply on the request with which the transfer was granted will be handed over to the Ministry of interior Affairs as well, and the convicted person will be escorted to organs of the other foreign state by the MOI.

LAW ON COPYRIGHTS AND RELATED RIGHTS

("Official Gazette of the Republic of Macedonia" No. 47/96; 3/98)

CHAPTER ONE GENERAL PROVISIONS

Article 1

This Law determines the authors' copyrights on their literary, scientific and artistic works (hereafter: copyrights) and the rights of performers, phonogram, film and scenic producers, broadcasting organizations and publishers (hereafter: related rights) on their performances and objects of their rights, as well as realization and protection of copyrights and related rights.

Section 1 Author's work

Article 3

A copyright work, in the sense of this Law shall be an individual and intellectual work from the field of literature, science, art and others, regardless of the type, concept and form of expression, unless otherwise prescribed by this Law.

The following shall be considered as a work of authorship:

- written work such as literary work, essay, article, manual, brochure, scientific work, debate and the like;
- computer program such as literary work;
- spoken work such as addresses, sermons, lectures and the like;
- musical work including any accompanying words;
- drama work, musical and marionette plays;
- choreographic and pantomime work fixed on a tangible medium;
- photographs or any other works produces in a procedure similar to photography;
- cinematographic and other audiovisual works;
- work of fine art, such as paintings, graphics, sculptures and the like;
- work of architecture;
- work of applied art and design; and
- work of cartography, plan, scheme, graphic, technical drawing, project, table, plastic work and other similar works from the field of geography, topography, architecture or other scientific, educational, technical and artistic nature

Article 9

An author, according to this Law, shall be a natural person who has created a copyright work.

Section 3 Contents of Copyrights

Subsection 1 General Provisions

Article 13

Copyrights belong to the author on the basis of his/her creation of the copyright work, regardless of the fact whether it has been disclosed or not.

Article 14

The copyrights are unique and inseparable from the copyright work that comprises exclusive personal and legal authorizations (hereafter: moral rights), property authorizations (hereafter: substantive rights) and other authorizations of the author (hereafter: other rights).

Subsection 3
Substantive Rights

Article 18

Substantive rights shall protect the property interests of the author.

The use of the copyright work shall be permitted if the author has assigned the substantive right in compliance with this Law and the conditions determined by the author, unless otherwise provided by this Law.

Article 19

The author shall have an exclusive substantive right to use his/her work and to approve or forbid the use of the copyright work by other parties in particular for: reproduction, distribution, rent, public performance, public transmission, public presentation, public exhibition, broadcasting, rebroadcasting and modification.

The author of the original work shall have an exclusive right to use his/her work in a modified form, unless otherwise provided by this law or a contract.

CHAPTER VII
PROTECTION OF RIGHTS

Section 1
General Provisions

Article 156

A person, whose rights under this Law have been infringed, may demand protection of his/her rights and claim compensation, unless otherwise determined by this Law.

The right holder may also demand protection from paragraph 1 of this Article, when there is a serious threat of infringement of the rights according to this Law.

Section 2
Judicial Protection

Article 159

If the rights from this Law have been infringed, the right holder may demand:

- to have the infringer prohibited in preparations for the infringement, the infringement itself and future infringements;
- to have the infringer eliminate the situation caused by the infringement;

- to have unlawful copies and their packaging or the performance and other objects of protection according to this Law, destroyed or altered;
- to have the master copies, negatives, plates, molds or other devices that have been instrumental in the infringement destroyed or altered
- to have the equipment whose sole or main purpose has been the infringement of rights according to this Law, which is owned by the infringer, destroyed or altered; and
- to have the judgement published in the public media at the expense of the infringer, to such an extent and in such a manner as determined by the court.

The provisions from paragraph 1, items 1 and 2 from this Article shall not apply to architectural structures, if the destruction or alteration of the structure is justified by the circumstances of the case.

Instead of demands, the right holder may demand that the infringer or owner convey to him/her copies or the devices pursuant to paragraph 1, item 3 and 4 from this Article.

Section 4

Penalty Provisions

Article 168

A fine in the amount between 34.000,000 and 300.000,000 denars for misdemeanor shall be imposed on any legal entity which:

- without assignment of an appropriate substantive right by the author, in cases when such assignment is required by the author, in cases when such assignment is required according to this Law, reproduces, distributes, publishes, rents, publicly performs, transmits to the public, presents to the public, publicly exhibits, broadcasts, rebroadcast, modify or audiovisually adopts a work or copies of a work or in another way without authorization uses a copyright work (Article 19);
- without mentioning the source and origin, by distortion or in any other way, indecently uses a work of folk literature and folk art (paragraph 2 Article 42);
- without mentioning the name, pseudonym or other designation of the author, or by disturbing the integrity of the work or distorting it or by another use of the work in a way that may damage the personality, honor and reputation of the author, uses a work, the protection of which copyright has expired (Article 52 regarding Article 16, items 4 and 5);
- does not keep appropriate accounts or other documentation of the profit gained in case where the remuneration has been agreed or determined depending on the profit gained, or does not submit reports of the profits gained to the holder of copyright (Article 70);
- distributes a copy of a computer program or possesses for commercial purposes, a copy of a computer program which is or can be presumed to be an unauthorized copy (Article 102);
- without assignment of an appropriate exclusive right from the holder of a related right (performer or producer), where such assignment is required by this Law, publicly performs, reproduces, distributed or rents recordings of a performance, stage work, phonograms, videograms or editions (Articles 108, 111, 118, 122, 125, 131, 132 and 133);
- without assignment of an appropriate exclusive rights by a broadcasting organization, where such assignment is required by this Law, records, reproduces, distributes recordings of a program or in another way uses recordings (Article 129);
- refuses collective administration of the copyrights and related rights where this is requested by the holder of copyrights or related rights (Article 150);
- fails to give information on the collective administration of copyrights and related rights when such information is requested by the holders of rights or fails to conclude a contract for the assignment of non-exclusive rights (paragraphs 1 and 2 Article 151);
- manufactures, imports, possesses for commercial purposes, distributes, rents or in another way uses any kind of means that enable or facilitate the public to receipt encoded radio or television program-carrying signals without authorization (Article 158, item2).

A fine to the amount between 1.700,00 and 50.000,00 denars shall be imposed in the institutional legal representative of a legal entity and self-employed individual for a misdemeanor from paragraph 1 of this Article.

A fine to the amount between 1.000,00 and 50.000,00 denars shall be imposed on a natural person for a misdemeanor from paragraph 1 of this Article.

For the misdemeanor from paragraph 1 of this Article, a legal entity or a self-employed individual shall be pronounced a provisional measure - prohibition on conducting his/her activities within a time period of three months to one year, and the appropriate association shall be revoked of its license for collective administration of the copyrights and related rights and a provisional measure - seizure of the copies of a copyright work from item 1, the copies of a computer program from item 5, the performance or stage work recordings, as well as the phonograms and videograms from item 6, the program recordings from item 7, as well as the means from items 10 and 11 of this Article.

For the misdemeanor from paragraph 1 of this Article a provisional measure - seizure of objects from paragraph 4 of this Article shall be imposed on a natural person who commits a misdemeanor from paragraph 1 of this Article.