

CHECKLIST OF ISSUES ON ENFORCEMENT¹

Responses from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu

Civil and Administrative Procedures and Remedies

(a) *Civil judicial procedures and remedies*

1. Specify the courts which have jurisdiction over IPR infringement cases.

Cases involving intellectual property right infringement should be brought before the court in the district where the defendant domiciles. If such court is unable to exercise its power of jurisdiction, the court in the district where the defendant resides is competent to hear the case (Article 1 of the Code of Civil Procedure). The court in the district where a tortuous act is committed has concurrent jurisdiction over an intellectual property right infringement case (Article 15 of the Code of Civil Procedure). There are 20 district courts territory-wide. The High Courts exercise jurisdiction in cases appealed from district courts. The highest court of appeal is the Supreme Court.

2. Which persons have standing to assert IPRs? How may they be represented? Are there requirements for mandatory personal appearances before the court by the right holder?

Intellectual property right holders have standing before the court.

Lawyers and non-lawyers can act as legal representatives. The court may, however, at its discretion, prohibit any person other than a lawyer from acting as a legal representative (Article 68 of the Code of Civil Procedure).

Where a legal representative is present, the party is not required to appear personally before the court, but the court may order the party to be present (Article 203I of the Code of Civil Procedure).

If both the party and the legal representative fail to appear before the court after the service of a second summon, the court may *ex officio* render a judgment *ex parte* (Article 385 of the Code of Civil Procedure).

3. What authority do the judicial authorities have to order, at the request of an opposing party, a party to a proceeding to produce evidence that lies within its control?

In accordance with Articles 342, 343 and 345 of the Code of Civil Procedure, the court may order a party to the proceeding to produce written evidence which lies within his control. If a party disobeys without justifiable grounds, the court may consider the allegation of the other party in respect of the document as being true and correct (Article 345 of the Code of Civil Procedure).

¹ Document IP/C/5.

4. What means exist to identify and protect confidential information brought forward as evidence?

According to the Code of Civil Procedure and the Civil Servant Service Law, if an official or an ex-official is to be examined as a witness regarding a matter which he is bound to keep secret in his capacity as such, the court must secure the approval from the superior official to whose supervision the official is or was subject (Article 306 of the Code of Civil Procedure). A witness may refuse to testify if he is questioned as to matters which he, in his official or professional capacity, is bound to keep secret. However, Articles 307 and 308 of the Code of Civil Procedure provide for some exceptions.

5. Describe the remedies that may be ordered by the judicial authorities and criteria, legislative or jurisprudential, for their use;

- **injunctions;**
- **damages, including recovery of profits, and expenses, including attorney's fees;**
- **destruction or other disposal of infringing goods and materials/implements for their production;**
- **any other remedies.**

Injunctions

With a view to securing a claim other than pecuniary ones, the infringed party may apply for provisional measures. A provisional measure may be ordered by the court only when there is an apprehension that due to the changes in the present state of the claimed object, a compulsory performance of the claim might become impossible or very difficult afterwards (Article 532 of the Code of Civil Procedure). The claim as well as the cause for the provisional measure shall be explained to the belief of the court. If the infringed party does not make such explanation, the court may still issue an order for a provisional measure, provided that such party has furnished the security fixed by the court for damages that might be sustained by the alleged infringer in consequence of such provisional measure (Article 526, applied *mutatis mutandis* by Article 533). The court may order the alleged infringer to do or to refrain from doing a certain act or acts (Article 535(2)).

In addition to the general provisions provided in the Code of Civil Procedure, an intellectual property right holder may also request a person who is infringing or is likely to infringe his right to discontinue or refrain from such infringement (Article 84 of the Copyright Law, Article 61 of the Trademark Law, Article 88 of the Patent Law, Article 29 of the Integrated Circuit Layout Protection Act, Article 11 of the Trade Secret Act and Article 30 of the Fair Trade Act).

Damages

According to Article 89 of the Patent Law, Article 66 of the Trademark Law, Article 88 of the Copyright Law, Article 30 of the Integrated Circuit Layout Protection Act and Article 13 of the Trade Secret Law, the right holder may select one of the following methods to collect damages:

- To claim in accordance with Article 216 of the Civil Code. However, if the right holder is unable to prove his damages, he may recover the differences between the amount of money which he would normally be entitled to receive and the actual profits received.

- To claim based on the profits gained by the infringer as a result of his infringing act. The total income derived from the sale of the counterfeit commodities shall be deemed as the infringer's profit, provided the infringer is unable to produce proof to justify his costs or expenses.
- or
- To claim based on an amount to be estimated according to the seriousness of the infringement by a competent authority or a professional entrusted by the court, or by the court itself. The amount for compensation varies according to the infringed subject matter:
 - Trademark: an amount equal to 500 to 1,500 times the unit retail price of the seized commodities. If the commodities seized exceed 1,500 pieces, the amount of compensation for damages shall be assessed based on the total selling price thereof.
 - Patent: an amount estimated by the Patent Authority or a professional entrusted by the court.
 - Copyright: an amount of not less than NT\$10,000 and not more than NT\$500,000. If the infringement act was intentional and the matter serious, the compensation may be increased to one million NT dollars.
 - Layout-Designs: an amount of not more than five million NT dollars.
 - Trade Secret: if the act of misappropriation is found to be intentional, the court may, at the request of the infringed party and by taking into consideration the circumstances of the misappropriation, award an amount greater than the actual damages, provided that the amount shall not exceed three times the amount of the proven damages.
 - Fair Trade Law: in the case of intentional act, the court may, at the request of the infringed party and by taking into consideration the extent of the infringement, award an amount greater than the actual damages, provided that the amount shall not exceed three times the amount of the proven damages. If the infringing party gains any profits from his act of infringement, the injured party may request to have the amount of damages calculated based exclusively on such profits.

Pursuant to Article 88 of the Patent Law, Article 89^{bis} of the Copyright Law, Article 12 of the Trade Secret Law and Article 33 of the Fair Trade Law, the right to claim damages shall be extinguished if not exercised within two years from the date when the claimant has knowledge of the infringement and the person liable for damages, or within ten years from the commission of the act.

Attorney's fees

Except otherwise agreed, attorney's fees are precluded in compensation award.

Destruction or other disposal

The injured party may request for the destruction or other necessary dispositions of products generated from the infringing act or items used for the infringement. (Article 88 of the Patent Law, Article 88^{bis} of the Copyright Law, Article 11 of the Trade Secrets Law and Article 32 of the Integrated Circuit Layout Protection Act)

The owner of the right of exclusive use of a trademark may request the destruction of any and all trademarks, and relevant writings and document thereof, which are either used or useful in committing an act of trademark infringement. (Article 61 of the Trademark Law)

Other remedies

The infringed right holder may request, at the expense of the infringer, the publication in part or in whole of the court decision in a newspaper. (Article 89 of the Copyright Law, Article 68 of the Trademark Law, Article 93 of the Patent Law and Article 32 of the Integrated Circuit Layout Design Law)

The trademark owner may claim for additional compensation in a reasonable amount in case the business reputation of the said owner suffers any damages on account of such infringement. (Article 66 of the Trademark Law)

6. In what circumstances, if any, do judicial authorities have the authority to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the goods of services found to be infringing and of their channels of distribution?

The Code of Civil Procedure provides the court with absolute power to conduct investigation and to order the submission of information or documents that are relevant to the litigation. Pursuant to this authority, a court may order an infringer to inform the right holder of the third person as mentioned above.

7. Describe provisions relating to the indemnification of defendants wrongfully enjoined. To what extent are public authorities and/or officials liable in such a situation and what "remedial measures" are applicable to them?

The defendant wrongfully enjoined may claim compensation for the damages from the other party based on tort theory (Article 184 of the Civil Code). The law provides that "The State shall also be liable to pay for damages resulting from the negligent or wrongful act of any employee of the government committed in the performance of his duties within the scope of his office or employment which is a wrong against the liberty or right of any person." (Article 2 of the State Compensation Law) When a judge or prosecutor, while acting within his official capacity, commits a wrong against the liberty or right of the people while acting within his official capacity, and is convicted of a crime in that connection, the government shall be responsible for compensation to recover the damages (Article 13 of the State Compensation Law).

8. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.

Costs

The fee to be paid for the execution of the civil proceedings depends on the damages sought. In a civil case arising out of property dispute, no filing fee is required if the damages sought are less than NT\$300. If the amount claimed exceeds NT\$300, the Code of Civil Procedure Costs requires court filing fees at a rate of \$1 per hundred NT of damages sought.

Duration

The length of proceedings varies with the complexity of the case at issue. We are not in a position to supply statistics as to the duration of these proceedings.

(b) *Administrative procedures and remedies*

9. Reply to the above questions in relation to any administrative procedures on the merits and remedies that may result from these procedures.

In the case of an administrative action allegedly contrary to law, such action can be appealed to the Administrative Court. In cases of an administrative action that was allegedly improper, but not illegal, an appeal committee, organized by a higher administrative level, drawn from government officials not involved in the enforcement of the matter at issue, experts from academia and other experts, would review the matter and recommend a correction to the administrative action. No filing fee is required in the administrative proceedings.

Provisional Measures

(a) *Judicial measures*

10. Describe the types of provisional measures that judicial authorities may order, and the legal basis for such authority.

With a view to securing a pecuniary claim or a claim other than pecuniary ones, the infringed party may apply respectively for provisional seizure of assets of the alleged infringer or provisional measures to order the alleged infringer to do or to refrain from doing a certain act or acts. (Articles 522, 532 and 535(2) of the Code of Civil Procedure)

11. In what circumstances may such measures be ordered *inaudita altera parte*?

Provisional measures are always possible *ex parte*. The opponent of the claimant needs not be given the opportunity of commenting on the requested provisional measures. The issue of provisional measures is decided on the basis of the evidence furnished by the claimant.

12. Describe the main procedures for the initiation, ordering and maintenance in force of provisional measures, in particular relevant time-limits and safeguards to protect the legitimate interests of the defendant.

The claimant should state in his application for provisional measures the following particulars:

- the parties and their legal representatives;
- the claim;
- the cause;
- the court of competent jurisdiction.

The claimant should provide explanation as to the claim and the cause mentioned above. Notwithstanding the explanation provided, the court may order the claimant to provide security before the order of provisional measure is granted (Articles 525, 526 and 533 of the Code of Civil Procedure). The respondent may, with the provision of the counter-security, be relieved of the provisional measure (Article 527 of the Code of Civil Procedure).

If a provisional measure is granted before the initiation of a proceeding, the court may determine, upon the request by the defendant, a reasonable period in which the claimant must initiate a civil proceeding (Article 529 of the Code of Civil Procedure).

If the case concerned has not been brought up by the infringed party, the court ordering provisional measures shall, upon the application of the alleged infringer, order the infringed party to initiate an action within a time limit to be fixed by it. If the infringed party fails to initiate such action within the time limit fixed, the court granting the order shall, upon the request by the alleged infringer, withdraw the order (Article 529 of the Code of Civil Procedure).

The defendant may make a request to annul or appeal against the order within 10 days (or 5 days if otherwise provided) from the date of service of the order (Article 487 of the Code of Civil Procedure). An appeal made before the service of the order shall be deemed effective.

In case the provisional measure at issue is withdrawn because it is improper *ab initio*, or it is withdrawn on the ground provided in paragraph 2 of Article 529 and paragraph 3 of Article 530 of the Code of Civil Procedure, the infringed party shall be held liable for the damage borne by the defendant. (Article 531 of the Code of Civil Procedure)

13. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost.

The fees for the request or annulment of provisional measures is NT\$30. There is no provision with regard to the length of proceedings. To initiate such an action usually takes three days.

(b) *Administrative procedures*

14. Reply to the above questions in relation to any administrative provisional measures.

With a view to securing a monetary claim or a claim other than monetary ones in the domain of public law, the claimant may apply respectively for provisional seizure of assets of the opponent or provisional measures to order the opponent to do or to refrain from doing a certain act or acts. (Articles 293 and 298 of the Law of Administrative Appeal) In addition, according to the Foreign Trade Act, if the exporter/importer is found to export/import counterfeits or infringes upon a local or foreign intellectual property right, he may be suspended of his export/import privilege. When the

cause of the said suspension ceases to exist, the exporter/importer will be reinstated of his right. However, the suspension may not exceed one year.

Special Requirements Related to Border Measures

- 15. Indicate for which goods it is possible to apply for the suspension by the customs authorities of the release into free circulation, in particular whether these procedures are available also in respect of goods which involve infringements of intellectual property rights other than counterfeit trademark or pirated copyright goods as defined in the TRIPS Agreement (footnote to Article 51). Specify, together with relevant criteria, any imports excluded from the application of such procedures (such as goods from another member of a customs union, goods in transit or *de minimis* imports). Do the procedures apply to imports of goods put on the market in another country by or with the consent of the right holder and to goods destined for exportation?**

As a general rule, for a civil law case, intellectual property right holders may file for provisional measures to the courts in accordance with Article 522 of the Code of Civil Procedure to require the Customs Office to seize the goods suspected of intellectual property right infringement. For a criminal law case, prosecutors may *ex officio* require the Customs Office to do the same. No fee is required in criminal proceedings.

In addition, Article 61 of the Customs Law stipulates that articles infringing patents, designs, trademarks and copyrights are prohibited from importation. According to Article 90^{bis} of the Copyright Law, the owner of a copyright may request the Customs to preliminarily seize the imported or exported articles that are suspected of infringing upon his/her copyright or after posting a surety bond in an amount equivalent to the value appraised by the Customs.

The Export Monitor System for Computer Software Products and the Trademark Export Monitor System are implemented to deter the export of counterfeit software and trademark goods.

- 16. Provide a description of the main elements of the procedures relating to the suspension of the release of goods by customs authorities, in particular the competent authorities (Article 51), the requirements for an application (Article 52) and various requirements related to the duration of suspension (Article 55). How have Articles 53 (security or equivalent assurance), 56 (indemnification of the importer and of the owner of the goods) and 57 (right of inspection and information) been implemented?**

Provisional measures provided by the Code of Civil Procedure could also be applied to suspend the release of goods at Customs. For details please see the reply to question 12 above. In accordance with Article 90^{bis} of the Copyright Law and the Implementation Regulations for Suspension of Release of Goods Infringing on Copyright or Plate Rights by Customs Authorities, the copyright owner may lodge an application with the customs authorities to preliminarily seize the imported or exported articles that are suspected of infringing his copyrights. The applicant should post a surety bond in an amount equivalent to the value of goods duty-paid or F.O.B. based, to be appraised by the Customs.

If the applicant initiates a complaint within 12 days from the date the Customs informs the applicant of its acceptance of the application for seizure, the Customs will detain the goods until a final court judgment is rendered.

In cases where the court determines that the seized articles are not infringing copies, where the application for seizure is withdrawn, or where the applicant does not initiate a civil complaint within 12 days from the date the Customs notifies the applicant of its acceptance of the application for seizure, the applicant shall be liable for the damages resulting from the seizure.

If the application for preliminary seizure of the goods is approved by the Customs, the importer or the exporter will be given written notice.

The applicant or the party whose goods are suspended of release may apply to the Customs authorities for inspection of the detained goods.

17. Describe provisions governing the length and cost of proceedings. Provide any available data on the actual duration of proceedings and their cost. How long is the validity of decisions by the competent authorities for the suspension of the release of goods into free circulation?

There is no provision governing the length of the proceedings. However, in practice, the allegedly infringing goods would be seized upon the submission of the said bond by the claimant. In addition to bond as required by Article 90^{bis} of the Copyright Law, no requirement on fees is provided therein.

According to Article 90^{bis} of the Copyright Law, the Customs will detain the goods until a final judgement is rendered, provided, however, that if the applicant does not initiate a civil complaint within 12 days from the date the Customs notifies the applicant of its acceptance of the application for seizure or if the applicant withdraws its application, the Customs will revoke the seizure.

18. Are competent authorities required to act upon their own initiative and, if so, in what circumstances? Are there any special provisions applicable to *ex officio* action?

According to Article 61 of the Customs Law and Article 30 of the Foreign Trade Act, the Customs Office and the Board of Foreign Trade, MOEA, may on their own initiative prohibit the importation of counterfeit and pirated goods. Pursuant to Article 90^{bis} of the Copyright Law, the Customs may also prohibit the importation of counterfeits upon application of the right holder.

19. Describe the remedies that the competent authorities have the authority to order and any criteria regulating their use.

The importer/exporter shall be imposed a fine of not less than NT\$30,000 but not more than NT\$300,000 if violating the regulations governing the export/import of commodities and the intellectual property rights attached. If the violation is of a more serious nature, he may be suspended of his export/import privilege for more than one month but less than one year, or having his registration revoked. If the violation is of a less serious nature, warning will be given.

Criminal Procedures

20. Specify the courts which have jurisdiction over criminal acts of infringement of IPRs.

The court in the district where the defendant domiciles or where the offence is committed has jurisdiction over a criminal case of intellectual property right infringement (Article 15 of the CCCP). The High Courts exercise jurisdiction in cases appealed from the district courts. The highest court of appeal is the Supreme Court.

21. In respect of which infringements of which intellectual property rights are criminal procedures and penalties available?

Any person who committed the following offence shall be subject to imprisonment or a fine:

The Copyright Law (Articles 91 to 96)

A person who reproduces without authorization the work of another person with or without the intention to sell or rent shall be imprisoned for between six months and three years, and in addition thereto, fined not more than NT\$200,000.

A person who reproduces without authorization the work of another person with the intention to sell or rent shall be imprisoned for between six months and five years, and in addition thereto, fined not more than NT\$300,000 (Article 91).

A person who infringes upon other's economic rights by means of unauthorised public recitation, public broadcast, public presentation, public performance, public display, adaptation, compilation or renting such work shall be imprisoned for not more than three years, and in addition thereto, fined not more than NT\$150,000 (Article 92).

In any of the following circumstances, a person shall be imprisoned for not more than two years, and in addition thereto, fined not more than NT\$100,000 (Article 93):

- Infringing upon the author's moral rights.
- Exporting the reproduction of compulsory licensed sound recordings outside the territory of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.
- Using a work in a manner which would damage the reputation of the author of such work.
- Distributing, exhibiting or possessing with the intention to distributing, or delivering with the intention to make profit, a copy with the knowledge that it is an infringing copy of copyright or plate-right.
- Importing any copies produced without the authorization of the owner of the economic rights or the plate-right.
- Importing the original or any copies of a work without the authorization of the owner of the economic rights.
- Making use for direct profit of a copy of a computer program with the knowledge that it is an infringing copy of the economic rights to such computer program.

A person who is engaged in infringing acts as specified in Articles 91, 92 and 93 as a vocation shall be imprisoned for between one year and seven years, and in addition thereto, fined not more than NT\$450,000 (Article 94).

In any of the following circumstances, a person shall be imprisoned for not more than one year, and in addition thereto, fined not more than NT\$50,000 (Article 95):

- Infringing upon the moral right of a deceased author.
- Infringing upon a plate right as specified in Articles 79 and 87.
- Violation of Article 112.

Violation of paragraph 2 of Article 59 and Article 64 shall be subject to a fine of not more than NT\$50,000 (Article 96).

The Trademark Law (Articles 62, 63 and 65)

In any of the following circumstances, a person shall be imprisoned for not more than three years, and in addition thereto or in lieu thereof, fined not more than NT\$200,000 (Article 62):

- Defrauding others by using a design which is identical with or similar to other persons' trademark.
- Defrauding others by adding a design which is identical with or similar to other persons' trademark design to advertisements, labels, descriptive literature, price lists or other documents of the same goods or similar goods and displaying or circulating such materials.

Knowingly selling, displaying for sale, exporting or importing the above-mentioned goods shall be imprisoned for not more than one year, detention, and in addition thereto or in lieu thereof, fined not more than NT\$50,000 (Article 63).

Any person who maliciously uses the word in other persons' trademark as the specific portion of the name of his own company or firm for conducting business in respect of the same goods or similar goods and has failed to stop such use after being requested by the interested party to do so shall be imprisoned for not more than one year, detention or fined not more than NT\$50,000 (Article 65).

The Patent Law (Articles 123 to 130)

Manufacturing a patented product invention without consent of the patentee shall be fined not more than NT\$600,000 (Article 123).

Making use of a patented process without prior consent of the patentee shall be fined not more than NT\$300,000 (Article 124).

Manufacturing the products covered by a utility model patent without prior consent of the patentee shall be imprisoned for not more than two years, detained, or in lieu thereof or in addition thereto, fined not more than NT\$150,000 (Article 125).

Manufacturing the products covered by a new design patent without prior consent of the patentee shall be imprisoned for not more than one year, detained, or in lieu thereof or in addition thereto, fined not more than NT\$60,000 (Article 126).

Knowingly selling, exhibiting or importing with intent to sell any counterfeited or imitated products of a patented invention without prior consent of the patentee shall be fined not more than NT\$60,000 (Article 127).

Knowingly selling, exhibiting or importing with intent to sell any counterfeited or imitated products of a patented utility model without prior consent of the patentee shall be imprisoned for not more than six months, detained, or in lieu thereof or in addition thereto, fined not more than NT\$30,000 (Article 128).

Knowingly selling, exhibiting or importing with intent to sell any counterfeited or imitated products of a patented new design without consent of the patentee shall be detained, or in lieu thereof or in addition thereto, fined not more than NT\$15,000 (Article 129).

An advertisement made by a patentee, licensee or the holder of compulsory license going beyond the scope granted or the false marking of a patent number on a non-patented object or an object manufactured by a non-patented process shall be imprisoned for not more than 6 months, detained, or in lieu thereof or in addition thereto, fined not more than NT\$50,000 (Article 130).

Fair Trade Law (Articles 19 and 20)

Acquiring by coercion, inducement with profit or other improper means, the secret of production and sales, information concerning trading counterparts or other relevant technical secret of any other enterprises (Article 19). Any violator of this Article who continues the violation after having been ordered by the central competent authority to cease and desist shall be punished by imprisonment for not more than two years, detention, or in lieu thereof or in addition thereto, a fine of not more than NT\$500,000 (Article 36).

Use in an identical or similar manner of the name of any other person, the name of a business establishment, a corporate name or other symbols signifying the business or service of another person that are commonly known to the relevant public, if such use causes confusion with the facilities or activities of the business or service of any other person, or use of an identical trademark which is identical or similar to a well-known foreign trademark not registered in this country, or the sale, transport, export or import of goods bearing such trademark (Article 20). Any violator of this Article who continues the violation after having been ordered by the central competent authority to cease and desist shall be punished by imprisonment for not more than three years, detention, or in lieu thereof or in addition thereto, a fine of not more than NT\$1,000,000 (Article 35).

The Plant Seed Law (Article 41)

Any person who promotes or sells a registered new variety without the consent of the owner of such new variety right shall be subject to imprisonment not exceeding two years, or detention, or in lieu of, or in addition thereto a fine not exceeding NT\$60,000. Any person who uses a registered new variety without the consent of its owner shall be subject to imprisonment not exceeding 6 months, or detention, or in lieu of, or in addition thereto a fine not exceeding NT\$5,000.

22. Which public authorities are responsible for initiating criminal proceedings? Are they required to do this on their own initiative and/or in response to complaints?

Public prosecutors may initiate criminal investigation on their own initiative and/or in response to complaints.

No private complaints are necessary for the offender to be prosecuted if the offence consists of violations of the Copyright Law as a regular business as well as violation of the Trademark Law.

In respect of violations of the Copyright Law (other than as a regular business), the Patent Law and the Plant Seed Law, criminal proceedings may only be initiated at the request of the aggrieved person.

23. Do private persons have standing to initiate criminal proceedings and, if so, who?

Private persons may file private prosecutions.

Any person asserting his rights being infringed may initiate a criminal proceeding.

24. Specify, by category of IPR and type of infringement where necessary, the penalties and other remedies that may be imposed:

- **imprisonment;**
- **monetary fines;**
- **seizure, forfeiture and destruction of infringing goods and materials and implements for their production;**
- **other.**

For imprisonment and monetary fines, please see the answer to question 21 above. In addition to the provisions listed in the answer to question 21 above, Article 52 of the Tobacco and Alcohol Administrative Law imposes administrative fines on false or misleading marking of age, year or geographical indication of alcoholic products. Any person who violates this Article shall be subject to an administrative fine between NT\$100,000 and NT\$500,000.

Destruction of infringing goods

According to Article 133 of the Code of Criminal Procedure, any articles that can be used as evidence or can be confiscated may be attached. Any articles, belonging to the offender, used in the preparation or commission of a crime, or acquired from the commission of a crime may be confiscated (Article 33 of the Criminal Code). Apart from the Criminal Code, Article 88^{bis} of the Copyright Law, Article 88 of the Patent Law, the Trademark Law, Article 11 of the Trade Secret Act, Article 45 of the Tobacco and Alcohol Administrative Law and Article 32 of the Integrated Circuit Layout Protection Act warrant the destruction of the infringing goods.

25. Describe provisions governing the length and any cost of proceedings. Provide any available data on the actual duration of proceedings and their cost, if any.

The length of proceedings varies with the complexity of the case at issue. We are not in a position to supply statistics as to the duration of these proceedings. No filing fee is required for criminal proceedings.
