

rights, *i.e.* corrective measures<sup>938</sup>, or in case of administrative or criminal liability appropriate sanctions<sup>939</sup>.

### III. Concluding remarks

By reviewing the national legislation and practice regarding administrative and criminal liability and sanctions for infringements of IP rights, the following aspects should be mentioned.

*First*, criminal liability for certain infringements of IP rights is established in all Baltic countries. Lithuanian and Latvian legislation also constitutes administrative liability for such infringements by establishing certain legal standards which allow to distinguish crimes and administrative offences. In the course of application of the provisions in the national Criminal Codes, also Codes of Administrative Violations, certain legislative discrepancies are however observed. This especially concerns Lithuania where the national provisions seem to be chaotic due to inconsistency and different interpretation of “*commercial scale*”, *i.e.* the clear line between administrative and criminal liability for copyright and neighbouring rights infringements is missing, which, in turn, necessitates tentative legislative improvements to be adopted<sup>940</sup>.

*Second*, application by both civil remedies, which are embodied in the implementing national legislation due to the Enforcement Directive, as well as the border measures as set out in the EC Regulation 1383/2003, can help the right holders to protect their rights more effectively. This is especially true if an IP right holder is active and involved into the custom procedures by providing the application to the custom authorities. The practical concerns, however, mainly refer to the competence of the customs authorities which are to detect goods infringing IP rights. The help from the right holders, *i.e.* timely applications to apply customs measures, which are submitted along with samples and description of legal and, if possible, illegal IP goods, or timely reaction in case such measure is applied *ex officio* by the customs authorities play a substantially important role in IP enforcement practice.

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938 See examination of the provisions regarding application of corrective measures in *supra* § 5F.III.1.

939 See *refs.* to the national legislation on administrative or criminal liability for infringements of IP rights in *supra* § 5G.I.1.

940 As referred, the draft amendments regarding the Lithuanian Code of Administrative Offences on the issue are pending.

