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WORKING GROUP ON THE INTELLECTUAL PROPERTY ASPECTS  
OF FOLKLORE PROTECTION  
(SECOND MEETING)  
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DRAFT SECTION 6 (FORMER SECTION 5)

Offences

- (1) Any person who, without the authorization of the competent authority referred to in Section 9 (former Section 8), subsection 1, utilizes an expression of folklore in violation of the provision of Section 2, shall be obliged by the competent authority to cease such utilization. He has to pay the remuneration provided for under Section 10 (former Section 9), subsection 4, and moreover he shall be liable  to damages determined by the competent authority  to a fine of a minimum of ... and a maximum of ...]. If he fails to comply with this injunction he shall be liable to a fine of a minimum of ... and a maximum of ... .
- (2) Any person not complying with the requirement provided for in Section 5 (former Section 4) shall be liable  to damages determined by the competent authority  to a fine of a minimum of ... and a maximum of ...].
- (3) Any person purposely deceiving others in respect of the origin of objects made or marketed by him, or in respect of public recitations or performances given or organized, broadcast or otherwise communicated to the public by him, by creating the impression that such objects, on the subject matter of such recitation or performances, are expressions of folklore of a certain community, where, in fact they do not so originate, shall be punishable  by a fine of a minimum of ... and a maximum of ...]  by imprisonment not exceeding ...]  by a fine of a minimum of ... and a maximum of ... and imprisonment not exceeding ...].
- (4) Any person who makes or markets objects, publicly recited or performs, or organizes the public recital or performance of, or broadcasts or otherwise communicates to the public expressions of folklore in a way that such articles, recitals or performances distort the same in a manner prejudicial to the cultural interests of the community concerned, shall be punishable  by a fine of a minimum of ... and a maximum of ...]  by imprisonment not exceeding ...]  by a fine of a minimum of ... and a maximum of ... and imprisonment not exceeding ...].