

Legislation+A2:M12	Trademark Ordinance	Article	Copyright Ordinance	Article	Kingdom Patent Act 1995	Article
Source	AB 2013, GT no. 622, amended by AB 2014, no. 83		AB 2015, no. 9		(EU) no. 1257/2012	
When	Infringement	23 par. 1	Infringement	no explicit provision, follows from art. 1 juncto art. 12 and 13	Infringement	art. 70 juncto art. 53
Where	Inland	n/a	Inland	n/a	The Netherlands, Sint Maarten, Curaçao, Caribbean Netherlands; chapter 7 does not apply to these countries. However, the following articles apply to Aruba: art. 40-45, 59, 101, 102 par. 1, art. 102a - art. 102f, art. 104 - art. 108, art. 111 and 114.	art. 113
Who (initiator)	Proprietor (also on behalf of licensee for damages or payment of profit); the licensee can intervene in proceedings initiated by proprietor for payment of damages or profit earned by the infringer and for rendering of accounts regarding such profit to directly claim damages suffered by him or a proportionate part of the profit made by the infringer; the licensee can file such claims independently of the proprietor only if authorized by the proprietor; insofar as such powers serve to protect the rights of the licensee and permission is obtained from the proprietor, the licensee may claim as his own property and seize infringing movable property or property used in the production thereof as well as funds likely obtained as a result of infringement and can demand destruction of infringing movable property or making this unusable.	23 par. 1 (art. 23 par. 5); art. 21 par. 5; art. 24 par. 4	Proprietor; the creator of the work can claim damages despite having transferred the publication and reproduction rights.	art. 1; art. 27	Proprietor, such also on behalf of licensees and pledgees for damages or payment of profit irrespective of their right to intervene in such proceedings initiated by proprietor to directly claim damages or a proportionate part of the profit; licensees and pledgees can file such proceedings independently, if authorized by proprietor.	art. 70 par. 1; art. 70 par. 6
Type of enforcement	Civil.	art. 4	Civil, criminal.	see remedies/sanctions	Civil, criminal.	see remedies/sanction
Remedies / sanctions	Damages; payment of profit made; rendering of accounts; claim as his property and seizure of infringing movable property or property used in the production thereof; destruction of infringing movable property or making this unusable; claim as his property and seizure of funds likely obtained as a result of infringement; demand information about the origin of the infringing goods and all relevant information pertaining thereto.	23 par. 3; art. 23 par. 4; art. 24 par. 1; art. 24 par. 2; art. 24 par. 5	Civil: Damages; claim as his property, destruction and seizure of infringing movable property or entrance fees paid to attend a lecture, a performance or an exhibition which infringes copyright or make such movable property or entrance fees unusable. In the case of immovable property, ships or aircrafts, the proprietor can demand such changes to the extent that the infringement is lifted; injunction. Besides the remedies explicitly provided for in the Copyright Ordinance, it is generally accepted that the proprietor also has the following remedies as is the case with other IPRs: payment of profit made; rendering of accounts.  Criminal: Confiscation (if the work belongs to the person convicted of the criminal offense) and destruction; fine; imprisonment.	civil: art. 27; art. 28 par. 1; art. 28 par. 2; art. 28 par. 4 criminal: art. 34 and art. 36; art. 37 par. 2, art. 37 par. 4; art. 31, 32, 34, 35, 37 par. 1	Civil: damages; payment of profit made; rendering of accounts; claim as his property and seizure of infringing movable property; demand destruction thereof or make this unusable; demand withdrawal from the market thereof and of materials and tools mainly used in the production of infringing objects; injunction to cease services of intermediaries used by third parties to infringe upon the proprietor's rights; demand information about the origin and distribution channels of infringing objects and all information pertaining thereto; in the event of temporary continuation of the alleged infringement and infringing services provided by intermediaries, demand as a condition that such continuation shall be subject to putting up security for damage suffered; demand for the infringer to take appropriate measures to disseminate information about the judgment at the infringer's expense.  Criminal: Fine; imprisonment; publication of judgment.	Civil: art. 70 par. 4; art. 70 par. 5; art. 70 par. 7; art. 70 par. 9; art. 70 par. 10; art. 70 par. 11; art. 70 par. 12  Criminal: Art. 79 par. 1; art. 79 par. 2; art. 79 par. 3
Imprisonment	n/a	n/a	8 days to 2 years.	art.37	Imprisonment max. 6 months; max. 4 years if a professional perpetrator.	art. 79 par. 1; art. 79 par. 2
Fine	n/a	n/a	Max. 1st category (Xcg. 500) for portrait infringement; max. 2nd category (Xcg. 5.000) for copyright infringement.	art. 35; art. 31, 32, 34 par. 1, 37 par 1	Max. 4th category (€ 27.500); max. 5th category (€ 110.000) if a professional perpetrator.	art. 79 par. 1; art. 79 par. 2
Responsible minister	Minister of Tourism, Economic Affairs, Transportation and Telecommunication.	art. 1 par. a BIP Ordinance	Minister of Tourism, Economic Affairs, Transportation and Telecommunication.	art. 1 par. a BIP Ordinance	Minister of Economic Affairs of the Netherlands.	art. 1
Regulator / competent authority	BIP Sint Maarten.	art. 1 juncto art. 3 par. 1 sub b BIP Ordinance	BIP Sint Maarten.	art. 3 par. 1 sub b BIP Ordinance	Netherlands Patent Office.	art. 15

Legislation+A2:M12	Civil Code - wrongful act	Article	Civil Code - wrongful publication / misleading advertising	Article	Civil Code - product liability	Article
Source	AB 2014, no. 6, 7 & 15/ AB 2021, no. 64		AB 2014, no. 6, 7 & 15/ AB 2021, no. 64		AB 2014, no. 6, 7 & 15 /AB 2021, no. 64	
When	Wrongful act, including infringement of regulated and unregulated IPRs (e.g. tradenames, neighbouring rights to copyright (e.g. performance rights, broadcasting rights, mechanical rights)); illegal use of knowhow; unfair competition by illegal use of e.g. regulated and unregulated IPRs and knowhow.	art. 6:162 par. 1	Illegal use of IPRs that results in wrongful publication or incomplete or false advertising of products or services regarding e.g. their nature, composition, possible use; origin/way manufacturing; awarded distinctions.	art. 6:167; art. 6:194	Unsafe products, particularly the product presentation, reasonably expected use of the product, time when the product was brought on the market. Liability, including for death or personal injury, does not only extend to manufacturers and producers but also importers, distributors, resellers, lessors and any third party that makes the product available locally in the scope of commercial activities.	art. 6:185
Where	Inland	n/a	Inland	n/a	Inland	n/a
Who (initiator)	Proprietor, third parties who are affected by the wrongful act (including businesses and consumers).	art. 3:296 par. 1	Proprietor, third parties who are affected by the misleading advertisement (including businesses and consumers).	art. 3:296 par. 1; art. 6:196	Third parties who are affected by the defects in the product (including businesses and consumers).	art. 3:296 par. 1
Type of enforcement	Civil.	n/a	Civil.	n/a	Civil.	n/a
Remedies / sanctions	Damages, injunction.	art. 6:162 par. 1; art. 6:95; art. 3:296 par. 1	Rectification; damages, injunction.	art. 6:167; art. 6:162 par. 1; art. 6:95; art. 6:195 par. 2; art. 6:196	Damages, injunction.	art. 6:185; art. 6:162 par. 1; art. 6:95; 3:296
Imprisonment	n/a	n/a	n/a	n/a	n/a	n/a
Fine	n/a	n/a	n/a	n/a	n/a	n/a
Responsible minister	n/a	n/a	n/a	n/a	n/a	n/a
Regulator / competent authority	n/a	n/a	n/a	n/a	n/a	n/a

Legislation+A2:M12	Commodities Ordinance	Article	Pharmaceutical Ordinance (PO) / Decree Packaged Pharmaceuticals (DP)	Article	National Ordinance Agreements via Electronic Means (E-commerce Ordinance)	Article
Source	AB 2015, no. 9		AB 2015, no. 9 / AB 2022, no. 12		AB 2015, no. 9	
When	Unsafe, unsuitable or unhealthy commodities, including food and drink products. Particulars include: the expected use given the product's purpose; the product quality is considerably less than reasonably expected. Additionally, it is forbidden to advertise commodities contrary to statutory labeling and trade requirements, while misleading labels and advertising are also forbidden. Labeling requirements for food products are provided for in the Labeling Decree Food Products.	art. 8; art. 10 - art. 16	Unsafe packaged pharmaceuticals; misleading advertising of packaged pharmaceuticals.	art. 5 PO ; art. 23b DP	Liability when offering products and services through electronic means and facilitating electronic platforms for commercial communication (commercial communication is all forms of electronic offering and advertising goods, services, companies and persons, including advertising and direct marketing, from or targeted at Sint Maarten with the intention to conclude agreements).	art. 2; art. 4; art. 5; art. 8
Where	Inland	n/a	Inland	n/a	Inland	n/a
Who (initiator)	Inspectorate of Public Health; Minister of Public Health, Social Development and Labor.	art. 17; art. 19; art. 19a	Inspector General (Head of the Health, Social Development and Labor Inspection Service).	art. 1 DP	Minister of Justice.	art. 1 par. h
Type of enforcement	Administrative, criminal.	art. 17 - art. 24	Administrative.	n/a	Administrative, criminal.	art. 17 - art. 31
Remedies / sanctions	Ministerial order to the seller of unsafe private household products to inform the purchasers immediately of the danger; prohibition of the manufacture or sale of products, provisional seizure of products; imprisonment or a fine or both punishments (intentional violation); detention or a fine (non-intentional violation).	art. 17; art. 22; art. 23; art. 24	Provisional seizure of pharmaceutical products.	art. 45 par. 2 sub f PO	The facilitator can be ordered to remove the information on the platform and prohibit access thereto if the information is illegal or concerns illegal activities, is contrary to public order and good morals or if the general interest or the security of Sint Maarten specifically demands it. Additionally, the Minister of Justice can apply administrative coercion by removing, vacating, preventing, restoring or performing anything that is done, kept or omitted in violation of the law, including the sealing of buildings, grounds and anything located therein or thereon and the transportation and storage of susceptible items to the extent required by the application of administrative enforcement. Instead of administrative coercion, an order subject to a penalty can be given.	art. 8 par. 2 and 3; art. 17; art. 23; art. 24; art. 26
Imprisonment	Imprisonment max. 4 years (intentional violation); detention max. 1 year (non-intentional violation).	art. 24	n/a	n/a	Imprisonment max. 2 years if the offeror of products and services fails to comply intentionally with mandatory requirements of commercial communication. Detention max. 6 months if the offeror of products and services fails to comply non-intentionally with mandatory requirements of commercial communication. Detention max. 6 months if facilitator of electronic platform fails to comply with the order of the Minister of Justice to remove the relevant information or disable access thereto.	art. 31 par. 1; art. 31 par. 2; art. 31 par 3
Fine	Max. 6th category (Xcg. 1.000.000, intentional violation); fine max. 5th category (Xcg. 100.000, non-intentional violation).	art. 24	n/a	n/a	Max. 6th category (Xcg. 1.000.000, intentional violation mandatory requirements commercial communication) Max. 5th category (Xcg.100.000, non-intentional violation mandatory requirements commercial communication and if facilitator does not comply with the order of the Minister of Justice to remove the relevant information or disable access thereto).	art. 31 par. 1; art. 31 par. 2; art. 31 par 3
Responsible minister	Minister of Public Health, Social Development and Labor.	art. 1 par. a	Minister of Public Health, Social Development and Labor.	art. 1 PO	Minister of Justice.	art. 1 par. h
Regulator / competent authority	Inspectorate of Public Health.	art. 19; art. 19a	Inspector General (Head of the Health, Social Development and Labor Inspection Service).	art. 1 DP	Minister of Justice.	art. 1 par. h

Legislation+A2:M12	Criminal Code	Article	National Ordinance Import, Export and Transit (Customs Ordinance)	Article	Criminal Code	Article
Source	AB 2019, no. 41		AB 2019, no. 26		AB 2019, no. 41	
<b>When</b>	<p>Import, transit, export, sale, offering for sale, delivery, distribution or having in stock of:</p> <ul style="list-style-type: none"> <li>a. false, forged or unlawfully manufactured trademarks;</li> <li>b. products or product packaging falsely bearing a third party's trade name or trademark;</li> <li>c. products indicating a false place of origin with the addition of a fictitious trade name;</li> <li>d. products or product packaging bearing an imitation of a third party's trade name or trademark, albeit with a minor deviation;</li> <li>e. goods or parts thereof that falsely display the same appearance as a drawing or model to which another person is entitled, or show only minor differences.</li> </ul> <p>Falsely placing any name or sign on or in a work of literature, science, art, or industry, or falsifying the real name or sign, with the intention of making it appear that this work is the work of the person whose name or sign he has placed on or in it;</p> <p>Intentionally selling, offering for sale, delivering, or making available for sale a work as mentioned above.</p>	art. 2:324; art 2:307	Forbidden import, transit and export of products.	n/a	<p>Import, transit, export, sale, offering for sale, delivery, distribution or having in stock of:</p> <ul style="list-style-type: none"> <li>a. false, forged or unlawfully manufactured trademarks;</li> <li>b. products or product packaging falsely bearing a third party's trade name or trademark;</li> <li>c. products indicating a false place of origin with the addition of a fictitious trade name;</li> <li>d. products or product packaging bearing an imitation of a third party's trade name or trademark, albeit with a minor deviation;</li> <li>e. goods or parts thereof that falsely display the same appearance as a drawing or model to which another person is entitled, or show only minor differences.</li> </ul> <p>Falsely placing any name or sign on or in a work of literature, science, art, or industry, or falsifying the real name or sign, with the intention of making it appear that this work is the work of the person whose name or sign he has placed on or in it;</p> <p>Intentionally selling, offering for sale, delivering, or making available for sale a work as mentioned above.</p>	art. 2:324; art 2:307
<b>Where</b>	Inland / border	n/a	Inland / border	art. 2 par. 1	Inland / border	n/a
<b>Who (initiator)</b>	Investigating officers (e.g. police, public prosecutor, other investigating officers designated by specific laws as such, including customs).	art. 4:184; art. 4:185 Code Criminal Procedure	Customs, investigating officers (e.g. police, public prosecution), designated tax officers.	art. 217 par. 1	Investigating officers (e.g. police, public prosecutor, other investigating officers designated by specific laws as such, including customs).	art. 4:184; art. 4:185 Code Criminal Procedure
<b>Type of enforcement</b>	Criminal.	n/a	Administrative, criminal.	n/a	Criminal.	n/a
<b>Remedies / sanctions</b>	Imprisonment or fine (if actions are intentional); confiscation of products.	art. 2:324; art 2:307	Detention or seizure of products, vessels, vehicles and harnesses, implements, tools or other objects which were used to violate the law; confiscation of goods, cargoes and the means of transport used to transport the same.	art. 223; art. 233	Imprisonment or fine (if actions are intentional); confiscation of products.	art. 2:324; art 2:307
<b>Imprisonment</b>	Imprisonment max. 1 year; max. 4 years if a professional criminal regarding abovementioned crimes or there is a risk of serious danger to persons or property. Imprisonment max. 2 years	art. 2:324 par 1; art. 2:234 par. 2; art. 2:234 par. 3; art 2:307	Imprisonment max. 4 years (skippers), 3 years (intentional traders), 2 years (traders at fault).	art. 233; art. 233A; art. 233B	Imprisonment max. 1 year; max. 4 years if a professional criminal regarding abovementioned crimes or there is a risk of serious danger to persons or property. Imprisonment max. 2 years	art. 2:324 par 1; art. 2:234 par. 2; art. 2:234 par. 3; art 2:307
<b>Fine</b>	Fine max. 3rd category (Xcg. 10.000); fine max. 4th category (Xcg. 25.000) if a professional criminal regarding abovementioned crimes) or there is a risk of serious danger to persons or property. Fine max 4th category (Xcg. 25.000)	art. 2:324 par 1; art. 2:234 par. 2; art. 2:234 par. 4; art 2:307	Fine max. 4th category (Xcg. 25.000, traders at fault); fine max. 5th category (Xcg.100.000, skippers and intentional traders).	art. 233; art. 233A; art. 233B	Fine max. 3rd category (Xcg. 10.000); fine max. 4th category (Xcg. 25.000) if a professional criminal regarding abovementioned crimes) or there is a risk of serious danger to persons or property. Fine max 4th category (Xcg. 25.000)	art. 2:324 par 1; art. 2:234 par. 2; art. 2:234 par. 4; art 2:307
<b>Responsible minister</b>	Minister of Justice.		Minister of Justice.	art. 1	Minister of Justice.	
<b>Regulator / competent authority</b>	Public Prosecutor's Office.	art. 10 Code Criminal Procedure	Customs.	art. 1	Public Prosecutor's Office.	art. 10 Code Criminal Procedure