1. INTRODUCTION

In the paper, the authors presented the importance of business reputation and business name as two important components of every company. Today’s market development and its rapid expansion, not only across national borders (Hernández, J. M. & Pedroza-Gutiérrez, C., 2017), but also the continent, have led to an increase in the importance of the business name and its reputation. With the help of technology and the great influence of the media, business reputation and business name can very easily reach recognition, but they are also very easy targets of attacks, so it is necessary to protect them. In the event of an attack, criminal law provides the best and only protection for this segment of business law.

In the first part of the paper, the terminological dilemmas surrounding two key concepts - business name and business reputation - were clarified. A differentiation was made from other, similar terms.

Abstract: The paper explains the concept and importance of the business name and business reputation of the company. These two elements represent the most significant element of individualization of a company, by which the public and other companies are recognized in legal transactions and on the market. We analyzed and presented data from the official documents of the Republic Statistical Office and the judicial institutions of the Republic of Serbia. The results of the research related to the unauthorized use of someone else’s business name and damage to the business reputation of the company on the territory of the Republic of Serbia in the period from 2011 to 2020. We also analyzed the available data in order to discover the “loss of crime” in the group of crimes that have the economy as the object of protection. The purpose of this paper is a causal analysis of crimes against the economy in the territory of the Republic of Serbia with the aim of discovering causal relationships and links between the number of reported, accused and convicted persons for these crimes, in order to determine the degree of “crime loss” and to undertake systemic measures to reduce this loss on a reasonable measure, in accordance with the standards of developed countries.

Keywords: companies, business name, business reputation, unauthorized use of business name, damage to business reputation.

JEL classification: K14, K22.
Unauthorized use of someone else’s business name and other special marks of goods or services in the positive legal regulations of the Republic of Serbia and damage to business reputation and credit ability in the positive legal regulations of the Republic of Serbia are topics that we presented in the central part of the paper, thus illustrating the level of criminal protection provided to these institutes in the Republic of Serbia. However, we are aware that it is not enough to just have a “dead letter on paper”. We also followed the entire criminal procedure related to the issue of protection of the monitored institutes.

Criminal proceedings begin with the investigation phase, but do not end with the passing of a verdict, so it is necessary to analyze the contents of that verdict, the awarding of sanctions and the manner of their implementation or execution. We followed all this in the paper and reached the conclusions presented in the last part of the paper with the attached suggestions on the further way of working of the judicial bodies.

2. TERMINOLOGICAL EXPLANATION OF OBSERVED TERMS

Business name is part of the identity of every organization. However, it should be emphasized that every organization does not necessarily have to be a legal entity. An organization can become a legal entity only when it has certain rights and obligations in the sense of civil law. When she is capable of entering into, changing and terminating legal transactions (Stanković & Lazić, Obligatory law, 2017).

The name, seat and citizenship are the main characteristics or basic elements of the identity of every company. It is an established practice in the literature that the name of a commercial enterprise is indicated by the name “firm”, and non-commercial organizations by “name”. However, the authors do not agree with this position. The legislator also recognized this problem, and the term “firm” is no longer used (Stanković & Vodinelić, Obligatory law, 2007).

The name of the company contains information about the type of company and on the market, legal transactions, it makes it visible. It serves us to distinguish the company from other companies, but also from individuals. Based on the data contained in the company name, a lot of information can be found out about the company, namely: its type, activity, participation in another company, type of responsibility, amount of founding capital and many other details.

The name of the company is defined by the founding act and must be stated in the founding act and the public register. The name of the company is protected and its change requires a very complex procedure, primarily due to the protection of other persons from the dangers that a replacement can bring (Шиткина И.С., 2021).

Also, in the currently valid Law on Business Companies (Law on Business Companies), it is stated that a business name contains: the name, legal form and place where the company is based and the characteristics that it must fulfill are provided for by this Law from Article 22 to Article 30.

However, in addition to the business name, the business reputation of the company is also very important. Business reputation belongs to the group of intangible benefits and is characterized by inseparability from the company and assistance in the individualization of the company.

Just as all segments of the company are protected by the legislation of every legally regulated country, for example employees, assets and other resources, honor, dignity and business reputation are also protected. Business reputation in today’s information society, a society where all information is available and relatively easy to verify, is one of the main prerequisites for the unhindered performance of the economic activity for which it is registered. This issue is particularly dealt with the civil law area, more specifically business law (Stanković & Lazić, Jobs in business law, 2021).

While honor and dignity are more associated with individuals, business reputation is a term that can be associated with both an individual and a company. Since companies are also protected by civil law regulations, the
legislator recognized the need to protect the company’s business reputation.

Business reputation is created by the assessment of customers or users of services, that is, the attitude of clients or business partners about the level of quality of professional activities. It is formed based on the knowledge and behavior of an individual or company in different situations and circumstances.

As the market circumstances have changed and the role of the media (printed, digital, etc.) has increased drastically, business reputation is increasingly formed on the basis of the image presented to the public through the media. This is a much easier way of getting a larger number of customers or users of services, but there is also one negative side, which is that an easily built business reputation can be easily destroyed, precisely through the media.

It is precisely for these reasons that a differentiation is made in the literature between business reputation and image. A distinction should be made between these two terms, because they certainly do not depict the same thing. Business reputation is based on the knowledge and experience of the company or individual, while the image is the surface image of the company or individual, which is based on the personal, emotional perception of the subject. Business reputation is a much more reliable parameter than image, which should always be observed during the business process. However, it should be emphasized that image is not a negligible category either, because it has a great influence when establishing cooperation with new business partners, customers, service users. For every company, its impact on the labor or capital market is very important, “good reputation” or “goodwill”.

3. UNAUTHORIZED USE OF ANOTHER’S BUSINESS NAME AND OTHER SPECIAL MARKS OF GOODS OR SERVICES IN THE LEGAL REGULATIONS OF THE REPUBLIC OF SERBIA


Article 238 defines the basic form of the criminal offense of unauthorized use of someone else’s business name and other special designation of goods or services, where it is prescribed that a person who “uses someone else’s business name with the intention of deceiving customers or users of services will be punished with a fine or a prison sentence of up to three years if “he misleads customers or users of services, he uses someone else’s business name, someone else’s geographical indication of origin, someone else’s trademark or another special sign of goods or services, or he enters individual features of these signs in his business name, his geographical indication of origin, his trademark or in his other special sign goods or services”.

In the previous legal solution, this crime had a completely different name. The aforementioned illegal behavior was marked under the criminal offense of “unauthorized use of another’s company” and was defined by Article 233 of the Criminal Code of the Republic of Serbia. The resulting changes are related to the term “firm”, which has been replaced by the term “business name”. In addition, the term of goods is supplemented by the term of service. Therefore, criminal legal protection is also provided to services, not only goods. This provided more extensive criminal protection.

In the same article, in paragraph number 2, it is determined that any person will be punished with a prison sentence of six months to five years if “for the purpose of selling in a larger quantity or value, he acquires, produces, processes, puts into circulation, leases or stores the goods referred to in paragraph 1 of this article or engages in the provision of services without authorization using other people’s labels”. This provision represents a more serious form of the observed criminal act.

There is also the most serious form of criminal offense, the unauthorized use of someone
else's business name and other special marks of goods or services, and is punishable by a prison sentence of one to eight years, and is committed by a person who “organizes a network of resellers or intermediaries or obtains a financial benefit that exceeds the amount of one million and five hundred thousand RSD”.

In addition to the above-mentioned sanctions, the court is also obliged to impose a measure of compulsory confiscation.

As a protective object of this incrimination, the interests of the holders of the rights to a business name, geographical origin, trademark or some other special designation of goods or services appear. This type of criminal offense can be classified as unfair competition, which not only affects the interests of the owners of the business name, geographical indication, trademark, etc., but also clients, i.e. customers or users of the service. The Law on Trademarks (Law on trademarks, 6/2020) and the Law on Geographical Indications of Origin (Law on Geographical Indications of Origin, 18/2010 i 44/2018) appear as subsidiary regulations related to these concepts.

On the subjective level, the perpetrator of this criminal act should have the intent and intention to deceive the customer or user of the service, with the fact that there will be a criminal act even though this intention was not realized.

4. VIOLATION OF BUSINESS REPUTATION AND CREDIT ABILITY IN LEGAL REGULATIONS OF THE REPUBLIC OF SERBIA

According to Article 239 of the Criminal Code of the Republic of Serbia, any person who “with the intention of damaging the business reputation or credit ability of another, presents false information about him or falsely portrays his business” will be fined or imprisoned for up to one year. If serious consequences arise for a company or an individual as a result of this behavior of the criminal, the perpetrator of the criminal act should be punished with imprisonment for a period of three months to three years.

The prosecution of this type of criminal offense against the economy is not within the competence of the public prosecutor and is not undertaken ex officio, but is undertaken as a result of a private lawsuit.

This type of crime represents a special type of unfair competition and does not pose a high degree of social danger, but the damage that can be inflicted on an individual or an organization, company, or entrepreneur can be huge.

The act of committing a criminal offense consists in presenting false information or presenting false information about the sending of an individual or company.

On the subjective level, in the case of criminal damage to business reputation and credit ability, in addition to intent, it is necessary that there is an intention to damage business reputation or credit ability.

The Criminal Code also prescribes a more serious form of the offense, when serious consequences occur as a result of the offender’s behavior, i.e. when the business reputation or credit ability of a person is seriously damaged.

This criminal offense has not been supplemented or changed since the Criminal Code of the Republic of Serbia entered into force in 2006.

5. EMPIRICAL RESEARCH OF OBSERVED PHENOMENA

In the part of the work that follows, the authors synthesized all available data of a high degree of accuracy available in the official Bulletins of the Republic Statistical Office in connection with the two observed and analyzed criminal acts. For the sake of clarity and easier observation of the trends and tendencies that prevail in these phenomena, we have presented the collected data both tabularly and graphically.

Namely, the readers are presented with information about adult perpetrators of crimes against the economy, more specifically, the criminal offense of unauthorized use of someone else's business name or other special designation of goods or services and the criminal
offense of damaging business reputation and credit ability. The collected data refer to the number of reported, accused and convicted persons\(^1\) in a ten-year period (2011-2020).

The authors are of the opinion that a ten-year period is quite a sufficient period for a realistic assessment and the drawing of justified and scientifically based conclusions, and the coverage of observed persons will contribute to the drawing of a conclusion related to the degree of “loss of crime” (Stanković & Lazić, Causing (false) bankruptcy, 2020), which will further help in detecting the phase of the criminal procedure that creates a “bottleneck” in the criminal justice process.

The total number of persons reported for the observed criminal offense is 690 persons, from 2011 to 2020. In the same period, there were 386 accused persons for the criminal offense of unauthorized use of someone else’s business name or other special mark of goods or services, while there were 284 persons convicted for the observed ten-year period. 56% of the reported persons were charged, and 41% of the reported persons be condemned. Therefore, the “crime loss” in the case of this criminal offense is 59%.

\[\text{Table 1: Number of reported, accused and convicted persons for the criminal offense of unauthorized use of someone else’s business name or other special mark of goods or services in the period from 2011 to 2020 in the Republic of Serbia}\]

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<tr>
<td>Number of registered persons</td>
<td>37</td>
<td>38</td>
<td>26</td>
<td>80</td>
<td>111</td>
<td>97</td>
<td>69</td>
<td>73</td>
<td>92</td>
<td>67</td>
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<tr>
<td>Number of accused persons</td>
<td>45</td>
<td>18</td>
<td>18</td>
<td>38</td>
<td>42</td>
<td>27</td>
<td>38</td>
<td>73</td>
<td>55</td>
<td>32</td>
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<tr>
<td>Number of convicted persons</td>
<td>27</td>
<td>9</td>
<td>10</td>
<td>24</td>
<td>32</td>
<td>32</td>
<td>54</td>
<td>48</td>
<td>24</td>
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*Source: Republic Statistical Office / Authors*

Based on the presented data, we can conclude that the “loss of crime” is relatively large, and that it is necessary to improve certain phases of the criminal procedure. It can be seen from the tabular and graphical presentation that in 2015, there were the most reported and

\[\text{Chart 1: Number of reported, accused and convicted persons for the criminal offense of unauthorized use of someone else’s business name or other special mark of goods or services in the period from 2011 to 2020 in the Republic of Serbia}\]

*Source: Republic Statistical Office / Authors*

\(^1\) Reported person - a known perpetrator is an adult perpetrator of a criminal offense against whom the criminal complaint proceedings and the previous proceedings have been completed with a decision by which: the complaint was rejected, the investigation was terminated, the investigation was suspended, or an indictment was filed - an indictment proposal. A reported person - an unknown perpetrator is an unknown person - a perpetrator of a criminal offense against whom a criminal complaint has been filed with the public prosecutor’s office for a committed criminal offense, and the perpetrator is still after the expiration of the year not discovered.

The term “accused person” means an adult person against whom an indictment or a private lawsuit has been filed in court, against whom the criminal proceedings have been legally terminated by a court decision by which: the indictment proposal or private lawsuit was rejected, the proceedings were suspended or the accusation was rejected (when examining the indictment); the accusation was dismissed, the proceedings were suspended, a negative or acquittal verdict was pronounced, a security measure was applied to the insane perpetrator without imposing a sentence, or the accused was found guilty - a guilty verdict.

The term “convicted person” means a person who has been declared guilty, against whom they have been pronounced criminal sanctions.
The frequency of committing the criminal offense of damage to business reputation and credit ability, presented in the table above, is far lower than the other observed criminal offense against the economy (criminal offense of unauthorized use of someone else’s business name and other special marks of goods or services). In the analyzed ten-year period, a total of 45 adults were reported, 90 of them were accused, while only 9 adults were convicted (20% of the total reported persons and 10% of the total accused persons).

So interesting that almost every year (except for 2016 and 2019), the number of reported persons was lower compared to the number of accused persons. This is because the first stage of criminal proceedings long lasting. Namely, the investigation phase lasts beyond a reasonable time, but still within the legal time limit, so that the cases enter the accusation phase after a longer period. The fact that it is necessary to start the prosecution procedure on the basis of a private lawsuit contributes the most to this phenomenon.

6. ANALYSIS AND DISCUSSION FOR THE CRIMINAL OFFENSE UNAUTHORIZED USE OF ANOTHER’S BUSINESS NAME OR SPECIAL MARKS OF GOODS OR SERVICES

The paper included an analysis of a ten-year period (2011-2020) and sublimated all the latest available high-accuracy data that testify to the rate of economic crime in the territory of the entire Republic of Serbia, collected by the Republic Statistical Office and classified and adapted to the needs of the work by the author.

In 2011, 37 adults were reported, 45 were charged and 27 were convicted for the criminal offense of unauthorized use of someone else’s business name or special mark of goods or services (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2011, 2012).

Table 2: Total number of reported, accused and convicted persons for the criminal offense of damage to business reputation and credit ability in the period from 2011 to 2020 in the Republic of Serbia

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</tr>
</thead>
<tbody>
<tr>
<td>Number of registered persons</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>6</td>
<td>9</td>
<td>5</td>
<td>3</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td>Number of accused persons</td>
<td>6</td>
<td>5</td>
<td>6</td>
<td>12</td>
<td>11</td>
<td>6</td>
<td>17</td>
<td>9</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Number of convicted persons</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>0</td>
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Source: Republic Statistical Office / Authors
In this observed year, we can notice that we have a greater number of accused persons than the number of reported persons, which can certainly be attributed to the length of the first phase of the criminal proceedings, the phase of the investigation that lasted for a long time in previous years. In 2011, we have 27 convicted persons, four of whom are female. One person received a prison sentence of one to two years, four persons received a fine in the amount of RSD 10,000 to 100,000, while the other 22 persons were sentenced to a suspended sentence.

Out of eighteen persons, four were sentenced to prison terms, two for two to three years, one for six to twelve months and one for two to three months, one person to a fine in the amount of RSD 10,000 to 100,000, and 5 persons for suspected sentence.

Next year, in 2014, the graph representing the observed phenomenon would look like this: The number of reported persons this year for the observed criminal offense against the economy was 80, the number of accused persons was 38, and the number of convicted 18 were accused, and 9 were convicted, one of whom was a female (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2012, 2013).

As for the criminal sanctions this year, the judges decided on the following: imprisonment for one perpetrator for two to three months, fines were awarded in one case in the amount of RSD 10,000 to 100,000, while in the remaining seven cases were given suspended sentences.

In 2013, 10 people (one of whom was female) were convicted of the criminal offense of unauthorized use of someone else’s business name or other special mark of goods or services, while in the same year 26 were reported and 18 were charged (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2013, 2014).
persons was 24. Of the 24 individuals, seven of them were female. Four persons were sentenced to imprisonment for three to six months (3) and one person for two to three months. Nine persons were fined, seven of them with fines in the amount of 10,000 to 100,000 RSD and two persons with fines of less than 10,000 RSD. Ten persons received a suspended sentence and one person received sentence based that community useful work (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2014, 2015).

In 2015 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2015, 2016), the number of reported persons was 111, the number of accused persons was 42, while this year 32 persons were convicted for the observed criminal offense. Eleven of them were female.

Four people were sentenced to prison and all were short-term prison sentences: from one to two years, from six to twelve months, from three to six months and up to two months. 13 persons were fined, nine in the amount of 10,000 to 100,000 RSD and four in the amount of less than 10,000 RSD. Suspended sentences were given to 14 persons, and one person received work in the public interest.

In the following year of the observed period, in 2016, 97 persons were reported for the criminal offense of unauthorized use of someone else’s business name or other special designation of goods or services, while 27 of them were charged and 24 of them were convicted (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2016, 2017).

Out of a total of 24 convicted persons, four of them were female. Three prison sentences were awarded this year, for a duration of two to three years, and two short-term prison sentences for a
duration of up to two months. In 2016, the fine was awarded three times, two in the amount of 10,000 to 100,000 RSD and one in the amount of up to 10,000 RSD. The most dominant criminal sanction this time was a suspended sentence, which was awarded 18 times.

In 2017 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2017, 2018), the number of reported persons was 69. The number of accused persons was 38, while the number of convicted persons was 32.

Of the 32 convicted persons (7 of them women), only one person was sentenced to prison for three to six months. Fines were awarded to 11 persons, nine of them in the amount of 10,000 to 100,000 RSD, and two persons in the amount of 100,000 to 200,000 RSD. This year, 20 people received suspended sentences.

The same number of reported and accused persons and the largest number of convicted persons in the entire observed period are characteristic for 2018 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2018, 2019.).

Out of a total of 54 convicted persons, 20 of them are female. Two persons out of 54 were sentenced to imprisonment for one to two years and less than two months. Fines for perpetrators of this type of crime were awarded 12 times in 2018, of which the most common (10 times) were in the amount of 10,000 to 100,000 RSD, one in the amount of 100,000 to 200,000 RSD, and one in the amount of less than 10,000 RSD. In 2018, a suspended sentence for the crime under consideration was handed down a total of 39 times. Along the way, house arrest also occurs in one case.

In 2019 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2019, 2020), 92 persons were reported, 55 accused, and 48 convicted for the criminal offense of unauthorized use of someone else's business name and other special marks for goods or services.

Of the 54 convicted persons, 20 of them are female. Two persons out of 54 were sentenced to imprisonment for one to two years and less than two months. Fines for perpetrators of this type of crime were awarded 12 times in 2019, of which the most common (10 times) were in the amount of 10,000 to 100,000 RSD, one in the amount of 100,000 to 200,000 RSD, and one in the amount of less than 10,000 RSD. In 2019, a suspended sentence for the crime under consideration was handed down a total of 39 times. Along the way, house arrest also occurs in one case.
Of the 48 convicts in 2019 for the observed criminal offense, 11 of them are female. Two persons were sentenced to prison terms of one to two years and three to six months. As in previous years, the judges decided on short-term prison sentences. Seven fines were issued in the observed year, six of which were in the amount of RSD 10,000 to 100,000 and one was in the amount of less than RSD 10,000. In 37 cases, the judges decided on a suspended sentence, and in two cases they were sent to house arrest.

According to the data, the last year of the observed period for this criminal offense against the economy looks like this: 67 persons reported, 32 accused, 24 convicted.

In 2020 (Bulletin of adult offenders in the Republic of Serbia - reports, accusations, convictions - 2020., 2021), six women were convicted this crime. Three persons were sentenced to imprisonment, one person for a period of six to twelve months and one person for a period of three to six months. Fines were awarded four times and all four times the judges decided on fines ranging from RSD 10,000 to 100,000. Four persons were given house arrest. One person was sentenced to work in the public interest and 12 persons were sentenced to a suspended sentence.

7. ANALYSIS AND DISCUSSION FOR THE CRIMINAL OFFENSE OF DAMAGE TO BUSINESS REPUTATION AND CREDIT ABILITY

The frequency of committing the criminal offense of harming business reputation and credit ability in the territory of the Republic of Serbia is lower than the previously analyzed criminal offense, although both criminal offenses have the same protective object. Certainly, what is the main difference between these two crimes is the degree of their social danger. The crime of damaging business reputation and credit ability is not recognized by the legislator as a crime with a high degree of social danger, which is precisely the reason for the lower frequency of execution. And the opposite.

In the first year of the observed ten-year period, the number of persons reported for this criminal offense was four, the number of accused persons was six, while in 2011 no person was convicted of this criminal offense. The number of accused persons is greater than the number of reported persons, which is the result of the length of the first phase of the criminal proceedings and the investigative actions that were carried out in previous years.

The following year, in 2012, one person was reported as a potential perpetrator of the criminal offense of damage to business reputation and creditworthiness, while the indictment
was confirmed against five persons. There were no convicted persons this year either.

Graph 14. Number of reported, accused and convicted persons in 2012 for the criminal offense of damaging business reputation and credit ability

In 2013, three adults were reported for this criminal act against the economy, six were accused, and three were convicted.

Graph 15. Number of reported, accused and convicted persons in 2013 for the criminal offense of damage to business reputation and creditworthiness

As for criminal sanctions, in 2013 the judges decided to impose one suspended sentence, one fine in the amount of RSD 10,000 to 100,000 and one fine in the amount of RSD 1,000,000 to 10,000,000.

In 2014, only two perpetrators of this criminal offense were reported, and 12 were charged. No convictions regarding the observed criminal offense were passed in 2014.

Graph 16. Number of reported, accused and convicted persons in 2014 for the criminal offense of damaging business reputation and credit ability

In 2015, the court decided to sentence one adult to a suspended sentence for the crime of damaging business reputation and creditworthiness. This year, a total of 6 persons were reported for this type of criminal offense against the economy, and 11 were charged.

Graph 17. Number of reported, accused and convicted persons in 2015 for the criminal offense of damage to business reputation and credit ability

The following year, in 2016, there were no persons convicted of the criminal offense of damaging business reputation and creditworthiness in the territory of the Republic of Serbia. There were nine registered persons. Six accused.
During 2017, the largest number of convicted persons for the observed criminal offense was reported. There were five registered persons this year. There were seventeen accused persons, and five convicted adults.

Out of a total of five convicted persons, four of them received a fine of up to RSD 10,000, and one person received a suspended sentence.

In 2018, there were no persons convicted of this type of crime. The number of registered persons was three. And the number of accused is nine.

The following year, there were also no convicted persons. The number of persons reported in 2019 for the criminal offense of damaging business reputation and creditworthiness was eight and the number of accused was six.

In the last year of the observed period, the number of registered persons was four. Twelve persons were charged in 2020, while there were no convicted persons.
8. CONCLUSION

In the midst of globalization and the rapid development of new ways of modern business, the importance of business entities is growing. The economic activities that are being established have long gone beyond national frameworks and started to be international, transnational and even intercontinental.

With the development of technology, business cooperation and its establishment started on a development path, so new business opportunities arise for companies every day. Some of them are safe and bring big profits, while some of them have certain abuses. Business cooperation is established on the basis of faith in the business name and business reputation. It is precisely for these reasons that the need to protect these institutes is increasing every day.

The Republic of Serbia has provided legal protection to the business name and business reputation, and we investigated the extent of this protection in the paper and came to the following conclusions:
- The business name and business reputation are protected in the Republic of Serbia in an almost similar way to the more developed countries of the world;
- The duration of the criminal procedure is not carried out within a reasonable period of time (the investigation phase long lasting);
- The type of criminal sanctions imposed is not adequate to the social danger of criminal acts (judges usually decide to impose a suspended sentence, a fine in the amount of RSD 10,000 to 100,000 or some short-term prison sentence);
- The percentage of “loss of crime” is not alarming;
- This type of criminal offense is more often committed by men.

The authors propose to introduce additional measures that will improve the investigation phase, and contribute to shortening the time of its implementation, and not allow a “hasty investigation” to be conducted. By modernizing the technology and work techniques of investigative bodies and increasing the number of people engaged in these jobs, this problem would be overcome.

In addition, we believe that judicial practice should change and that suspected sentences should not have priority, but that a fine or work in the public interest should be imposed more often.

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