

Public consultation on the evaluation and modernisation of the legal framework for the enforcement of intellectual property rights: Intermediaries

Fields marked with * are mandatory.

Objectives and General Information

The views expressed in this public consultation document may not be interpreted as stating an official position of the European Commission.

You are invited to read the privacy statement for information on how your personal data and contribution will be dealt with.

Please complete this section of the public consultation before moving to other sections.

Respondents with disabilities can request the questionnaire in .docx format and send their replies in email to the following address: GROW-IPRCONSULTATION@ec.europa.eu.

If you are an association representing several other organisations and intend to gather the views of your members by circulating the questionnaire to them, please send us a request in email and we will send you the questionnaire in .docx format. However, we ask you to introduce the aggregated answers into EU Survey. In such cases we will not consider answers submitted in other channels than EU Survey.

If you want to submit position papers or other information in addition to the information you share with the Commission in EU Survey, please send them to GROW-IPRCONSULTATION@ec.europa.eu and make reference to the "Case Id" displayed after you have concluded the online questionnaire. This helps the Commission to properly identify your contribution.

Given the volume of this consultation, you may wish to download a PDF version before responding to the survey online.

*** Please enter your name/organisation and contact details (address, e-mail, website, phone)**

*** Is your organisation registered in the Transparency Register of the European Commission and the European Parliament?**

In the interests of transparency, organisations (including, for example, NGOs, trade associations and commercial enterprises) are invited to provide the public with relevant information about themselves by registering in the Interest Representative Register and subscribing to its Code of Conduct.

If you are a registered organisation, please indicate your Register ID number. Your contribution will then be considered as representing the views of your organisation.

If your organisation is not registered, you have the opportunity to [register now](#). Then return to this page to submit your contribution as a registered organisation.

Submissions from organisations that choose not to register will be treated as 'individual contributions' unless they are recognized as representative stakeholders via relevant Treaty Provisions.

- Yes
- No
- Non-applicable

*** Register ID number:**

In the interests of transparency, your contribution will be published on the Commission's website. How do you want it to appear?

- Under the name supplied? (I consent to the publication of all the information in my contribution, and I declare that none of it is subject to copyright restrictions that would prevent publication.)
Anonymously? (I consent to the publication of all the information in my contribution except my
- name/the name of my organisation, and I declare that none of it is subject to copyright restrictions that would prevent publication).
- No publication - your answer will not be published and in principle will not be considered.

"Please note that your answers may be subject to a request for public access to documents under Regulation (EC) No 1049/2001."

A. Identification

*** You are an intermediary or an association representing intermediaries?**

- Intermediary
- Association

*** What kind of intermediary service do you provide/represent?**

For the purpose of this consultation:

- "Advertising service provider"

Advertising agencies, advertising broker

- "Contract manufacturing service provider"

Contract manufacturing is an outsourcing of certain production activities previously performed by the manufacturer to a third-party. This may concern certain components for the product or the assembly of the whole product.

- "Business-to-business data storage provider"

Data storage space and related management services for commercial user.

- "Business-to-consumer data storage provider"

File-storing or file-sharing services for personal media files and data

- "Content hosting platform"

Platforms providing to the user access to audio and video files, images or text documents.

- "Press and media company"

Newspaper, broadcaster

- | | |
|--|--|
| <input type="radio"/> Advertising service provider | <input type="radio"/> Business-to-business data storage provider |
| <input type="radio"/> Business-to-consumer data storage provider | <input type="radio"/> Content hosting platform |
| <input type="radio"/> Contract manufacturing service provider | <input type="radio"/> DNS hosting service provider |
| <input type="radio"/> Domain name registrar | <input type="radio"/> Domain name registry |
| <input type="radio"/> Internet Access Provider | <input type="radio"/> Mobile apps marketplace |
| <input type="radio"/> Online marketplace | <input type="radio"/> Other |
| <input type="radio"/> Payment service provider | <input type="radio"/> Press and media company |
| <input type="radio"/> Retailer | <input type="radio"/> Search engine |
| <input type="radio"/> Social media platform | <input type="radio"/> Transport and logistics company |
| <input type="radio"/> Wholesaler | |

*** Please specify**

500 character(s) maximum

*** Please indicate your country of establishment?**

- | | |
|---|---|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Belgium |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Croatia |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Czech Republic |
| <input type="checkbox"/> Denmark | <input type="checkbox"/> Estonia |
| <input type="checkbox"/> Finland | <input type="checkbox"/> France |
| <input type="checkbox"/> Germany | <input type="checkbox"/> Greece |
| <input type="checkbox"/> Hungary | <input type="checkbox"/> Ireland |
| <input type="checkbox"/> Italy | <input type="checkbox"/> Latvia |
| <input type="checkbox"/> Lithuania | <input type="checkbox"/> Luxembourg |
| <input type="checkbox"/> Malta | <input type="checkbox"/> Netherlands |
| <input type="checkbox"/> Other | <input type="checkbox"/> Poland |
| <input type="checkbox"/> Portugal | <input type="checkbox"/> Romania |
| <input type="checkbox"/> Slovakia | <input type="checkbox"/> Slovenia |
| <input type="checkbox"/> Spain | <input type="checkbox"/> Sweden |
| <input type="checkbox"/> United Kingdom | |

*** Please specify**

500 character(s) maximum

*** What is the size of your company and the level at which it operates its business?**

- "SME"

According to Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises, 2003/361/EC: enterprises which employ fewer than 250 persons and which have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million ([SME Definition](#)).

- | | |
|---|--|
| <input type="radio"/> EU based SME providing services in one EU Member State | <input type="radio"/> EU based SME providing services in various EU Member States |
| <input type="radio"/> EU based company (other than SME) providing services in one Member State | <input type="radio"/> EU based company (other than SME) providing services in various EU Member States |
| <input type="radio"/> Non-EU based SME providing services in one EU Member State | <input type="radio"/> Non-EU based SME providing services in various EU Member States |
| <input type="radio"/> Non-EU based company (other than SME) providing services in one EU Member State | <input type="radio"/> Non-EU based company (other than SME) providing services in various EU Member States |
| <input type="radio"/> Company, part of multinational corporate group | <input type="radio"/> Other |

*** Please specify**

500 character(s) maximum

*** In which Member States do you offer services?**

- | | |
|---|------------------------------------|
| <input type="checkbox"/> All EU member states | <input type="checkbox"/> Austria |
| <input type="checkbox"/> Belgium | <input type="checkbox"/> Bulgaria |
| <input type="checkbox"/> Croatia | <input type="checkbox"/> Cyprus |
| <input type="checkbox"/> Czech Republic | <input type="checkbox"/> Denmark |
| <input type="checkbox"/> Estonia | <input type="checkbox"/> Finland |
| <input type="checkbox"/> France | <input type="checkbox"/> Germany |
| <input type="checkbox"/> Greece | <input type="checkbox"/> Hungary |
| <input type="checkbox"/> Ireland | <input type="checkbox"/> Italy |
| <input type="checkbox"/> Latvia | <input type="checkbox"/> Lithuania |
| <input type="checkbox"/> Luxembourg | <input type="checkbox"/> Malta |
| <input type="checkbox"/> Netherlands | <input type="checkbox"/> Poland |
| <input type="checkbox"/> Portugal | <input type="checkbox"/> Romania |
| <input type="checkbox"/> Slovakia | <input type="checkbox"/> Slovenia |
| <input type="checkbox"/> Spain | <input type="checkbox"/> Sweden |
| <input type="checkbox"/> United Kingdom | |

B. Exposure to and impact of infringements

*** Do you experience use of your services by third parties resulting in infringement of IPR?**

- Yes
 No

How do you become aware of infringements?

- | | |
|---|--|
| <input type="checkbox"/> In-house investigation | <input type="checkbox"/> Use of external service provider |
| <input type="checkbox"/> Notification by customs | <input type="checkbox"/> Notification by police or other enforcement authority |
| <input type="checkbox"/> Notification by customer | <input type="checkbox"/> Notification by rightholder |
| <input type="checkbox"/> Other | <input type="checkbox"/> No opinion |

*** Please specify**

500 character(s) maximum

*** How do infringements impact on your business?**

- Loss of turnover
 Reputational damage
 Enforcement costs
 Other
 No opinion

* Please specify

500 character(s) maximum

* **What is the overall financial impact of IPR infringements?**

- Positive
- Negative
- No opinion

Please provide an estimation of the impact in percentage of the overall turnover:

 %

* **How did IP infringements develop over last 10 years?**

- Decreased
- Increased
- Unchanged
- Don't know

Please explain:

1500 character(s) maximum

C. Functioning of key provisions of Directive 2004/48/EC on the enforcement of intellectual property rights

This section aims to provide the Commission with stakeholder' views, opinions and information about the functioning of the overall enforcement framework and of key provisions of IPRED.

C.1. Overall functioning of the enforcement framework

* **Do you think that the existing rules have helped effectively in protecting IP and preventing IP infringements?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** Do you consider that the measures and remedies provided for in the Directive are applied in a homogeneous manner across the MS?**

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

C.2. Measures, procedures and remedies provided for by IPRED

Responses to this section should be based on the overall experience with the measures, procedures and remedies provided for by IPRED as implemented and applied at national level. If appropriate please specify in your response, to the extent possible, particular national issues or practices and the jurisdiction concerned.

C.2.1. Right of information (Article 8)

*** Have you received a request for information?**

- Yes
- No

*** The request for information concerned what kind of infringement?**

- Online
- Offline

Where did the request originate from and how often did you receive such requests in the past 5 years?

	Never	Once	Rarely (in average not more than once a year)	Occasionally (between 1 and 5 times a year)	Frequently (more than 5 times a year)
*From your country of establishment - Against alleged infringer incorporated or resident in your country of establishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*From your country of establishment - Against alleged infringer incorporated or resident in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*From another EU Member States (seat or residence of the alleged infringer)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Did you face problems when dealing with a request for information in a cross-border situation (judicial authority in your country of establishment and intermediary established in another Member State and/or judicial authority of another EU Member State)?

- Yes
- No

* Please explain:

1500 character(s) maximum

*** Which information had been requested?**

- Origin and distribution network of the infringing product
- Names and addresses
- Quantities and price
- Other

* Please specify

500 character(s) maximum

*** Has the information been submitted?**

- Yes
- No

*** What was the reason/were the reasons for not submitting the information?**

- Request without judicial decision
- Protection of confidentiality of information
- Right to respect for private life and/or right to protection of personal data
- Information not available (anymore)
- Information provided in the request inaccurate
- Other

*** Please specify**

500 character(s) maximum

*** Do you consider the application of the rules on the right of information to be clear and unambiguous?**

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

*** In view of your experience with the application of the right of information do you think that the existing rules have helped effectively in protecting IP and preventing IPR infringements?**

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

*** In view of your experience with the application of the right of information do you see a need to adjust the provisions for the application of that measure?**

- Yes
- No
- No opinion

* Please explain:

1500 character(s) maximum

* Do you see a need to clarify the criteria used to reconcile the requirements of the right to respect for private life/right to protection of personal data on the one hand and the right to effective remedy on the other hand when assessing requests for disclosure of personal data for the purpose of initiating judicial proceedings?

- Yes
- No
- No opinion

* Please explain:

1500 character(s) maximum

C.2.2. Procedures and courts, damages and legal costs (Articles 3, 13 and 14)

* Have you been subject to legal action in cases of IPR infringements?

- Yes, as an applicant
- Yes, as a defendant
- No

* The legal action concerned what kind of infringement?

- Online
- Offline

Where and how often have you been involved in legal action in the past 5 years?

	Never	Once	Rarely (in average not more than once a year)	Occasionally (between 1 and 5 times a year)	Frequently (more than 5 times a year)
*Within your country of establishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*In another EU Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*** What was the reason for legal action?**

- Provisional and precautionary measures
- Injunction
- Damages
- Other

*** Please specify**

500 character(s) maximum

*** Did you face problems when being involved in legal action in a cross-border situation (judicial authority in your country of establishment and other party incorporated or resident in another Member State and/or judicial authority of another EU Member State)?**

- Yes
- No

*** Please explain:**

1500 character(s) maximum

*** Did you claim reimbursement of legal costs incurred in proceedings related to IPR infringements?**

- Yes
- No

*** Were the legal costs requested usually granted, at least partly?**

- Yes
- No

*** Please explain:**

1500 character(s) maximum

Did the reimbursement of legal costs cover the following expenses?

	fully covered	partly covered	no
*Court fees for instituting proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Other court fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*External expert(s) costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*In-house costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Attorney's charge	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Additional attorney's fees	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Please specify

500 character(s) maximum

* Was the reimbursement of legal costs sufficient?

- Yes
- No
- No opinion

* Please explain:

1500 character(s) maximum

* Have you been subject to a claim for damages by an IP rightholder for alleged active and knowing facilitation of IPR infringements?

- Yes
- No

* Has the claim been successful, in full or in part?

- Yes
- No

*** What are the requirements for a claim for damages against an intermediary to be admissible and founded?**

1500 character(s) maximum

The damages awarded included?

	fully covered	partly covered	no	not applicable
*Lost profit	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Unfair profits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Moral prejudice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Lump sum	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*** Please specify**

500 character(s) maximum

*** What was the reason for the dismissal of the claim?**

1500 character(s) maximum

*** In view of your experience with the application of the rules for the reimbursement of legal costs do you see a need to adjust the application of that measure?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** In view of your experience with the application of the rules for the calculation of damages do you see a need to adjust the application of that measure?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

C.2.3. Provisional and precautionary measures and injunctions (Articles 9 and 11)

Provisional and precautionary measures

*** Have you been subject to an application for provisional and precautionary measures in case of an alleged IPR infringement?**

- Yes
- No

*** The application concerned what kind of infringement?**

- Online
- Offline

Where and how often have you been subject to an application for provisional and precautionary measures in the past 5 years?

	Never	Once	Rarely (in average not more than once a year)	Occasionally (between 1 and 5 times a year)	Frequently (more than 5 times a year)
*From your country of establishment - Applicant established in your country of establishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*From your country of establishment - Applicant established in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*From another EU Member States (residence of the applicant)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Did you face problems when being subject to an application for provisional and precautionary measures in a cross-border situation (applicant established in another Member State and/or judicial authority of another EU Member State)?

- Yes
 No

*** Please explain:**

1500 character(s) maximum

*** What was the scope of the provisional and precautionary measures applied for?**

- Prevent an imminent infringement
 Forbid the continuation of an alleged infringement
 Lodging of guarantees
 Seizure or delivery up of the goods suspected of infringing an IPR
 Blocking of the alleged infringer's bank accounts and other assets
 Precautionary seizure of other movable and immovable property of the alleged infringer
 Other

*** Please specify**

500 character(s) maximum

*** Were the provisional and precautionary measures usually granted?**

- Yes
 No

*** What was the geographical scope of the provisional and precautionary measures?**

- Domestic
 Other EU Member State
 More than one EU Member State
 Other

*** Please specify**

500 character(s) maximum

*** Did the interlocutory injunction specify the exact measures to be implemented by you in order to stop the continuation of the alleged infringement?**

- Yes
 No

*** What are the reasons for which provisional and precautionary measures are not granted by the court?**

- | | |
|--|---|
| <input type="checkbox"/> No sufficient link between the intermediary and the infringement ("actual knowledge" or "active involvement") | <input type="checkbox"/> Insufficient evidence |
| <input type="checkbox"/> Measure requested too severe / proportionality | <input type="checkbox"/> Protection of confidentiality of information |
| <input type="checkbox"/> Right to respect for private life and/or right to protection of personal data | <input type="checkbox"/> No likelihood of success on the merits of the case |
| <input type="checkbox"/> No commercial scale infringement | <input type="checkbox"/> Infringer not identified |
| <input type="checkbox"/> Other | |

*** Please specify**

500 character(s) maximum

*** How did the implementation of the provisional and precautionary measures impact on your operations?**

- Additional staff
- Additional costs
- Adjusting service offer
- No particular impact
- Other

*** Please specify**

500 character(s) maximum

Injunctions

*** Have you been subject to an injunction in case of an IPR infringement?**

- Yes
- No

*** The application concerned what kind of infringement?**

- Online
- Offline

Where and how often have you been subject to an application for an injunction in the past 5 years?

	Never	Once	Rarely (in average not more than once a year)	Occasionally (between 1 and 5 times a year)	Frequently (more than 5 times a year)
*From your country of establishment - Applicant established in your country of establishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*From your country of establishment - Applicant established in another Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*From another EU Member States (residence of the applicant)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*** Did you face problems when being subject to an application for an injunction in a cross-border situation (applicant established in another Member State and/or judicial authority of another EU Member State)?**

- Yes
 No

*** Please explain:**

1500 character(s) maximum

In your experience what are the main reasons for applying for an injunction?

	Very relevant	Relevant	Less relevant	Not relevant	Don't know
*Block access to infringing content online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Stay down of infringing content online	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Adopt technical measures such as filtering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*De-indexing infringing websites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Permanent termination of domain	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Permanent termination of subscriber account	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Discontinue providing payment services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Discontinue providing advertising services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Discontinue providing transport services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Discontinue manufacturing of infringing products	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Termination of lease for commercial premises	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Please specify

500 character(s) maximum

* Have injunctions usually been granted?

- Yes
- No

*** What was the geographical scope of the injunction?**

- Domestic
- Other EU Member State
- More than one EU Member State
- Other

*** Please specify**

500 character(s) maximum

*** Did the injunction usually specify the exact measures to be implemented by you in order to stop the continuation of the alleged infringement?**

- Yes
- No

*** What are the reasons for not granting an injunction?**

- No sufficient link between the intermediary and the infringement ("actual knowledge" or "active involvement")
- Protection of confidentiality of information
- Measure requested too severe
- Right to respect for private life and/or right to protection of personal data
- No commercial scale infringement
- Infringer not identified
- Other

*** How did the implementation of the injunction impact on your operations?**

- Additional staff
- Additional costs
- Adjusting service offer
- No particular impact
- Other

*** Please specify**

500 character(s) maximum

*** In view of your experience with the application of the rules for provisional/permanent injunctions do you see a need to adjust the application of that measure?**

- Yes
- No
- No opinion

*** Should the Directive explicitly establish that all types of intermediaries can be enjoined?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** Should the Directive explicitly establish that no specific liability or responsibility (violation of any duty of care) of the intermediary is required to issue an injunction?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** Should the Directive explicitly establish that national courts must be allowed to order intermediaries to take measures aimed not only at bringing to an end infringements already committed against IPR using their services, but also at preventing further infringements?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** In that respect should the Directive establish criteria on how preventing further infringements is to be undertaken (without establishing a general monitoring obligation under the E-Commerce Directive)?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** Do you see a need for criteria defining the proportionality of an injunction?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** Do you see a need for a definition of the term "intermediary" in the Directive?**

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

*** Do you see a need for a clarification on how to balance the effective implementation of a measure and the right to freedom of information of users in case of a provisional measure or injunction prohibiting an internet service provider from allowing its customers access to allegedly IPR infringing material without specifying the measures which that service provider must take?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** Do you see a need for other amendments to the provisions on provisional and precautionary measures and on injunctions?**

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

C.2.4. Other issues

*** Are there any other provisions of the Directive which, in your view, would need to be improved?**

- Yes
- No
- No opinion

*** Please explain:**

3000 character(s) maximum

D. Issues outside the scope of the current legal framework

D.1. Role of intermediaries in IPR enforcement and the prevention of IPR infringements

*** Do you believe that intermediary service providers should play an important role in enforcing IPR?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

*** In your opinion which intermediaries are best placed to prevent infringements of IPR?**

- | | |
|---|---|
| <input type="checkbox"/> Advertising service provider | <input type="checkbox"/> Business-to-business data storage provider |
| <input type="checkbox"/> Business-to-consumer data storage provider | <input type="checkbox"/> Content hosting platform |
| <input type="checkbox"/> Contract manufacturing service provider | <input type="checkbox"/> DNS hosting service provider |
| <input type="checkbox"/> Domain name registrar | <input type="checkbox"/> Domain name registry |
| <input type="checkbox"/> Internet Access Provider | <input type="checkbox"/> Mobile apps marketplace |
| <input type="checkbox"/> Online marketplace | <input type="checkbox"/> Other |
| <input type="checkbox"/> Payment service provider | <input type="checkbox"/> Press and media company |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Search engine |
| <input type="checkbox"/> Social media platform | <input type="checkbox"/> Transport and logistics company |
| <input type="checkbox"/> Wholesaler | |

*** Please specify**

500 character(s) maximum

*** Do you cooperate with rightholders or rightholders' association in the protection and enforcement of IPR?**

- Yes
 No

*** Which intermediaries do you cooperate with?**

- | | |
|---|---|
| <input type="checkbox"/> Advertising service provider | <input type="checkbox"/> Business-to-business data storage provider |
| <input type="checkbox"/> Business-to-consumer data storage provider | <input type="checkbox"/> Content hosting platform |
| <input type="checkbox"/> Contract manufacturing service provider | <input type="checkbox"/> DNS hosting service provider |
| <input type="checkbox"/> Domain name registrar | <input type="checkbox"/> Domain name registry |
| <input type="checkbox"/> Internet Access Provider | <input type="checkbox"/> Mobile apps marketplace |
| <input type="checkbox"/> Online marketplace | <input type="checkbox"/> Other |
| <input type="checkbox"/> Payment service provider | <input type="checkbox"/> Press and media company |
| <input type="checkbox"/> Retailer | <input type="checkbox"/> Search engine |
| <input type="checkbox"/> Social media platform | <input type="checkbox"/> Transport and logistics company |
| <input type="checkbox"/> Wholesaler | |

*** Please specify**

500 character(s) maximum

*** The cooperation covers the following IPR**

- | | |
|--|---|
| <input type="checkbox"/> Copyright | <input type="checkbox"/> Trademark rights |
| <input type="checkbox"/> Design rights | <input type="checkbox"/> Geographical indications |
| <input type="checkbox"/> Patent rights | <input type="checkbox"/> All IP rights |
| <input type="checkbox"/> Other | <input type="checkbox"/> Don't know |

* Please specify

500 character(s) maximum

* **In which form do you cooperate with these rightholders?**

- Bilaterally
- Within a multilateral cooperation agreement
- Other

* Please specify

500 character(s) maximum

* Please provide detail and reference:

1000 character(s) maximum

* **Do you consider your cooperation with rightholders successful?**

- Yes
- No
- No opinion

* **What are the elements for a successful cooperation between rightholders and intermediaries?**

1000 character(s) maximum

* **Why do you not cooperate with rightholders?**

- Not aware of the possibility
- Costs
- Negative experience
- Other

* Please specify

500 character(s) maximum

*** On the basis of your experience what are the main challenges in establishing a successful cooperation between rightholders and intermediaries?**

- Economic interests (e.g. additional costs)
- Technology
- Specific regulatory requirements
- Other
- No opinion

Please explain:

1500 character(s) maximum

*** Please specify**

500 character(s) maximum

*** In your opinion does the voluntary involvement of intermediary service providers in enforcing IPR have or might have a negative impact on fundamental rights?**

- Yes
- No
- No opinion

*** How could fundamental rights be negatively affected?**

- Limitation of freedom of expression
- Limitation of freedom to conduct business
- Limitation of the right to due process
- Limitation to the dissemination of legal content
- Other

*** Please specify**

500 character(s) maximum

Other comments on the role of intermediaries in IPR enforcement and the prevention of IPR infringements:

3000 character(s) maximum

D.2 Other issues

*** Do you identify any other issue outside the scope of the current legal framework that should be considered in view of the intention to modernise the enforcement of IPR?**

- Yes
- No

*** Please explain:**

3000 character(s) maximum

E. Other comments

*** E. Do you have any other comments?**

- Yes
- No

*** Please explain:**

3000 character(s) maximum