

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

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^[1] 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.

[1] Add link.

*** 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 a**

- Judge sitting at a specialised IP court
- Judge sitting at a specialised IP chamber in the general civil/commercial court
- IP-specialised single judge
- Judge sitting in the general civil/commercial court, reviewing IP cases
- Association representing the judiciary
- Legal counsellor
- Association representing the legal profession
- Legal academic
- Other

Please specify:

100 character(s) maximum

*** Please indicate your country of profession:**

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

Please specify:

100 character(s) maximum

B. Your views and opinion on the scale of IPR infringements and general issues of IP litigation

*** To your knowledge and experience, are IPR-infringements cases taking a considerable part of the overall civil/commercial litigations in your country?**

- Yes
- No
- Don't know

Please specify:

1500 character(s) maximum

Please explain:

What is approximately the percentage of IP cases of the overall civil/commercial litigation in your country?

 %

*** Do you think that IP rightholders are frequently using litigation as a means of protecting their IPRs?**

- Yes
- No
- Don't know

*** In your opinion, what is the reason for this?**

- The costs for litigation and legal representation are too high
- Civil court proceedings take too long
- Procedures are too complex
- The outcome of litigation is not predictable
- Alternative dispute resolution mechanisms can achieve better results in terms of time and money
- There are other means available to protect IPR (notice-and-action procedures, voluntary cooperation with intermediaries, etc.)
- Other

Please specify:

500 character(s) maximum

*** In your experience, do SMEs litigate to protect their IPR?**

"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
(http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition/index_en.htm).

- Yes
- No
- Don't know

*** In your opinion, what is the reason for this?**

- The costs for litigation and legal representation are too high
- Civil court proceedings take too long
- Procedures are too complex
- The outcome of litigation is not predictable
- Alternative dispute resolution mechanisms can achieve better results in terms of time and money
- There are other means available to protect IPR (notice-and-action procedures, voluntary cooperation with intermediaries, etc.)
- Other

Please specify:

500 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

In which Member State(s) do you litigate most?

at most 3 choice(s)

- | | | |
|---|--------------------------------------|---|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Belgium | <input type="checkbox"/> Bulgaria |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Croatia | <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 | | |

For these jurisdictions please provide your overall experience and satisfaction with the legal framework for civil enforcement of IPR (please indicate Member State concerned first)?

	Overall experience and satisfaction
Member State 1:	
Member State 2:	
Member State 3:	

Do you think that the existing rules – as provided by the Directive and implemented at national level – have helped effectively in protecting IP and preventing IPR infringements?

- Yes
- No
- Partly
- 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 Evidence (Articles 6 and 7)

*** Would you consider that the measures provided by IPRED are effective means for presenting, obtaining and preserving evidence?**

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

Please explain:

*** In view of your experience with the implementation and application of the rules for having access to and preserving evidence do you see a need to adjust the application of that measure, in particular with regard to preserving evidence in the digital environment and in cross-border cases?**

- Yes
- No
- No opinion

* Please explain:

1500 character(s) maximum

C.2.2. Right of information (Article 8)

What are the requirements for a request for information to be proportionate and justified when exercising the right of information against an infringer?

1500 character(s) maximum

What are the requirements for a request for information to be proportionate and justified when exercising this right of information against another person (e.g. an intermediary)?

1500 character(s) maximum

How do you define "commercial scale" in your jurisdiction?

1500 character(s) maximum

What is the scope of the assessment of the admissibility and the merits of a request for information?

1500 character(s) maximum

What is the burden of proof and evidence required to demonstrate the existence of an infringement?

1500 character(s) maximum

What are the procedural safeguards in your jurisdiction to ensure the proportionate use, the relevance of the information for the identification of an infringer and the accuracy and correctness of the identification of the infringer, in particular when information is to be provided by a third person, for example an intermediary service provider, for such purposes?

1500 character(s) maximum

In your experience, what are the main reasons for not obtaining the requested information?

	Very relevant	Relevant	Less relevant	Not relevant
*Unjustified/disproportionate request	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Protection of confidentiality of information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Right to respect for private life and/or right to protection of personal data	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Information not available (anymore)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Information provided in the request inaccurate	<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

*** 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

*** Do you consider the application of the rules on the right of information to be clear and unambiguous, in particular with regard to requests for information held by intermediaries?**

- 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.2.3. Procedures and courts, damages and legal costs (Articles 3, 13 and 14)

In your experience, what are the reasons for taking infringer to court?

	Very relevant	Relevant	Less relevant	Not relevant
*Damages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Provisional and precautionary measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*Injunctions	<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

*** Do you encounter specific problems when dealing with legal actions in a cross-border situation (applicant or defendant incorporated or resident in another EU Member State)?**

- Yes
- No

*** Please explain:**

1500 character(s) maximum

In your jurisdiction the award of damages as a compensation for the prejudice suffered as a result of an infringement can include?

	Yes	No
*Lost profit	<input type="checkbox"/>	<input type="checkbox"/>
*Unfair profits	<input type="checkbox"/>	<input type="checkbox"/>
*Moral prejudice	<input type="checkbox"/>	<input type="checkbox"/>
*Lump sum	<input type="checkbox"/>	<input type="checkbox"/>
*Other	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

*** In your jurisdiction damages are usually granted in full?**

- Yes
- No
- Don't know

*** What are the main reasons for not granting damages in full?**

- Limitations in law
- Unjustified request / lack of evidence
- Other

Please specify:

1500 character(s) maximum

*** Is it possible in your jurisdiction for the right holder to claim damages from a third party who actively and knowingly facilitates infringements of IPRs?**

- Yes
- No
- Don't know

Please specify:

1500 character(s) maximum

*** Overall, in view of your experience with the application of the rules for setting damages 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 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

In your jurisdiction the reimbursement of legal costs incurred by the successful party can cover?

	Yes	No
*Court fees for instituting proceedings	<input type="checkbox"/>	<input type="checkbox"/>
*Other court fees	<input type="checkbox"/>	<input type="checkbox"/>
*External expert(s) costs	<input type="checkbox"/>	<input type="checkbox"/>
*In-house costs	<input type="checkbox"/>	<input type="checkbox"/>
*Attorney's charge	<input type="checkbox"/>	<input type="checkbox"/>
*Additional attorney's fees	<input type="checkbox"/>	<input type="checkbox"/>
*Other	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

*** Are there any limitations on the recoverability of legal costs stipulated in the legislation/established by case law in your jurisdiction?**

- Yes
- No
- Don't know

Please explain:

1500 character(s) maximum

*** In view of your experience with the application of the rules for the reimbursement of legal costs 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 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

C.2.4. Provisional and precautionary measures and injunctions (Articles 9 and 11)

*** From your experience what kind of provisional measures and injunctions are most frequently requested?**

- Provisional measures against an infringer
- Injunction against an infringer
- Provisional measures against an intermediary
- Injunction against an intermediary
- Don't know

*** What is usually the geographical scope of the provisional measures and injunction requested?**

- Domestic
- Another EU jurisdiction
- Non-EU jurisdiction
- Multi-jurisdictional
- Don't know

From your experience what are the reasons for applying for a provisional and precautionary measures?

	Very relevant	Relevant	Less relevant	Not relevant
*Prevent an imminent infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Forbid the continuation of an alleged infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Lodging of guarantees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Seizure or delivery up of the goods suspected of infringing an IPR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Blocking alleged infringer's bank accounts and other assets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Precautionary seizure of other movable and immovable property of the alleged infringer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

What are the reasons for not obtaining provisional and precautionary measures against an infringer?

	Very relevant	Relevant	Less relevant	Not relevant
*Insufficient evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Measure requested disproportionate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No likelihood of success on the merits of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Protection of confidentiality of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Request for a security or an equivalent assurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Right to respect for private life and/or right to protection of personal data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No commercial scale infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Infringer established in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

*** Against which type of intermediary provisional and precautionary measures and injunctions are most frequently requested?**

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="checkbox"/> Advertising service provider | <input type="checkbox"/> Contract manufacturing 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"/> Domain name registrar |
| <input type="checkbox"/> Domain name registry | <input type="checkbox"/> DNS hosting service provider |
| <input type="checkbox"/> Internet Access Provider | <input type="checkbox"/> Mobile apps marketplace |
| <input type="checkbox"/> Press and media company | <input type="checkbox"/> Online marketplace |
| <input type="checkbox"/> Payment service provider | <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 |
| <input type="checkbox"/> Other | |

Please specify:

500 character(s) maximum

*** In your jurisdiction does the availability of provisional and precautionary measures against an intermediary depend on whether or not the infringer has been identified?**

- Yes
 No
 Don't know

Please explain:

1500 character(s) maximum

*** Is it possible in your jurisdiction to obtain provisional and precautionary measures against any intermediary or is such a measure subject to an active involvement (responsibility/liability) of the intermediary in the infringement?**

- Any intermediary
 Only intermediaries actively involved in the infringement
 Don't know

*** What are the criteria for determining if an intermediary is actively involved in the infringement?**

1500 character(s) maximum

In your experience, what are the reasons for not obtaining provisional and precautionary measures against an intermediary?

	Very relevant	Relevant	Less relevant	Not relevant
*Insufficient evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Measure requested disproportionate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No sufficient link between the intermediary and the infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No likelihood of success on the merits of the case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Protection of confidentiality of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Request for a security or an equivalent assurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Right to respect for private life and/or right to protection of personal data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No commercial scale infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Intermediary established in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

*** Are you aware of problems in cases of application for provisional and precautionary measures in a cross-border situation (for example infringer or intermediary established in another Member State)?**

- Yes
- No

* Please explain:

1500 character(s) maximum

* Are you aware of problems when executing provisional and precautionary measures in a cross-border situation (judicial authority in another jurisdiction and infringer or intermediary established in your jurisdiction)?

- Yes
 No

* Please explain:

1500 character(s) maximum

* In your jurisdiction can an injunction against an infringer be issued only to stop an actual infringement or also to prevent further infringements in the future?

- Only actual infringement
 Also further infringements in the future
 Don't know

* How do you define "further infringements"?

1500 character(s) maximum

What are the reasons for not obtaining an injunction against an infringer?

	Very relevant	Relevant	Less relevant	Not relevant
* Insufficient evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Measure requested disproportionate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Protection of confidentiality of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Right to respect for private life and/or right to protection of personal data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* No commercial scale infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Infringer established in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

What are the reasons for applying for an injunction against an intermediary with regard to a third party using its services infringing an IPR?

between 11 and 11 answered rows

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

Please specify:

500 character(s) maximum

*** Is it possible in your jurisdiction to obtain an injunction against any intermediary or is an injunction subject to an active involvement (responsibility/liability) of the intermediary in the infringement?**

- Any intermediary
- Only intermediaries actively involved in the infringement
- Don't know

*** What are the criteria for determining if an intermediary is actively involved in the infringement?**

1500 character(s) maximum

*** In your jurisdiction can an injunction against an intermediary be issued only to stop an actual infringement or also to prevent further infringements in the future?**

- Only actual infringement
- Also further infringements in the future
- Don't know

*** How do courts define "further infringements" without imposing on intermediaries general monitoring obligation in the meaning of the E-commerce Directive?**

1500 character(s) maximum

*** Is it possible in your jurisdiction to obtain an injunction against an internet intermediary forbidding the continued access to the material that is allegedly infringing IPR when that injunction does not specify the exact measures which that access provider must take?**

- Yes
- No
- Don't know

*** How do courts guarantee the judicial oversight of the measures chosen by the intermediary with regard to the need to ensure compliance with the fundamental right of internet users to freedom of information?**

1500 character(s) maximum

To your knowledge what are the reasons for not obtaining an injunction against an intermediary?

	Very relevant	Relevant	Less relevant	Not relevant
*Insufficient evidence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No sufficient link between the intermediary and the infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Measure requested disproportionate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Protection of confidentiality of information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Right to respect for private life and/or right to protection of personal data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*No commercial scale infringement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Intermediary established in another jurisdiction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please specify:

500 character(s) maximum

*** Are you aware of problems in cases of application for an injunction in a cross-border situation (for example infringer or intermediary established in another Member State)?**

- Yes
 No

*** Please explain:**

1500 character(s) maximum

*** Are you aware of problems when executing an injunction in a cross-border situation (judicial authority in another jurisdiction and infringer or intermediary established in your jurisdiction)?**

- Yes
 No

* Please explain:

1500 character(s) maximum

*** In view of your experience with the application of the rules for provisional and precautionary measures and injunctions do you see a need to adjust the application of these measures?**

- 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 (in the on-line context 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.2.5. Publication of judicial decisions

*** In your experience, do parties request in legal proceedings instituted for infringement of an IPR the decision to be published in full or in part?**

- Yes
- No
- Don't know

Please explain:

1500 character(s) maximum

*** Are judicial decisions related to the enforcement of intellectual property rights publicly available in your jurisdiction?**

- Yes
- No
- Don't know

Please provide detail and reference:

1500 character(s) maximum

*** Do you see a need for / added value in a more systematic dissemination of the information concerning the decision in legal proceedings instituted for infringement of an IPR?**

- Yes
- No
- No opinion

Please explain:

1500 character(s) maximum

C.6. Other issues

Do you think that the existing rules strike the right balance between the need to effectively protect IPR and preventing IPR infringements and the need to protect fundamental rights including the right to respect for private life, the right to protection of personal data, the freedom to conduct a business as well as the freedom of information?

- Yes
- No
- No opinion

*** Please explain:**

1500 character(s) maximum

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

- Yes
- No
- No opinion

*** Please specify the relevant provisions and explain.**

3000 character(s) maximum

D. Issues outside the scope of the current legal framework

D.1. Specialised courts

*** Do you have in your jurisdiction dedicated courts, courts' chamber or judges specialised in IP matters?**

- Yes
- No
- Don't know

*** Which rights were covered by the competence of the court?**

- | | |
|--|--|
| <input type="checkbox"/> Copyright | <input type="checkbox"/> Community trademark rights |
| <input type="checkbox"/> Community design rights | <input type="checkbox"/> Rights related to copyright |
| <input type="checkbox"/> National trademark rights | <input type="checkbox"/> National design rights |
| <input type="checkbox"/> Patent rights (including rights derived from supplementary protection certificates) | <input type="checkbox"/> Geographical indications |
| <input type="checkbox"/> Rights of the creator of the topographies of a semiconductor product | <input type="checkbox"/> Plant variety rights |
| <input type="checkbox"/> Sui generis right of a database maker | <input type="checkbox"/> Trade names (in so far as these are protected as exclusive property rights in the national law concerned) |
| <input type="checkbox"/> Utility model rights | <input type="checkbox"/> Other |
| <input type="checkbox"/> Don't know | |

Please specify:

500 character(s) maximum

*** Does legal action at a court specialised in IPR matters provide an added value compared to legal actions at other courts?**

- Yes
 No
 No opinion

Please explain:

1500 character(s) maximum

*** Please specify the added value:**

- Shorter proceedings
 Lower costs
 Build expertise
 Court proceedings more fit-for-purpose
 Other

Please specify:

500 character(s) maximum

D.2. Alternative procedures

*** In your view and with regard to civil litigation in the area of IPR enforcement do any of the following procedures provide an added value or alternative to court proceedings worth considering?**

- Fast track procedure
- Arbitration
- Mediation
- Fact-finding procedures
- Online dispute resolution
- Cease and desist procedures
- Other

Please specify:

500 character(s) maximum

D.3. Other issues outside the scope of the current legal framework

*** 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
- No opinion

*** Please specify:**

3000 character(s) maximum

E. Other comments

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

- Yes
- No

* Please specify:

3000 character(s) maximum