



Civil enforcement of intellectual property rights: public consultation on the efficiency of proceedings and accessibility of measures

1. INTRODUCTION

1.1. Context of the Survey

As a part of its overall strategy on intellectual property¹ and in line with the Conclusions of the Competitiveness Council of 31 May 2012², the European Commission is continuing to consult stakeholders in order to evaluate the overall functioning of the civil enforcement system for intellectual property rights (e.g. patents, trademarks, designs and copyright) in the EU. This survey is a part of the broad strategy of the Commission to improve the legal framework for intellectual property rights and their enforcement in order to allow innovative services and products to create growth and jobs in Europe.

This consultation process started with the publication of the Report from the Commission on the application of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights ("Directive 2004/48/EC") in December 2010³. This report provided the basis for an extensive public consultation which closed in late March 2011⁴. A public hearing on the application of Directive 2004/48/EC in a digital environment was held on 7 June 2011⁵. Furthermore, a conference on the enforcement of intellectual property rights was held on 26 April 2012⁶. This conference was webcasted and allowed for questions and comments by online participants. As a further stage, the Commission services wish to collect additional data, and to obtain views of stakeholders on specific issues that have been raised during the consultation process by means of this detailed questionnaire.

1.2. Purpose and scope of the Survey

The purpose of this survey is to gather specific information about the enforcement of intellectual property rights through contracts, litigation or other means. This information would allow for comprehensive assessment of efficiency and costs of the civil enforcement systems that are put in place for intellectual property rights in the Member States. Additionally, this round of public consultations gives an opportunity to identify complementary work streams where appropriate.

¹ COM(2011) 287 final

² [Council Conclusions on the governance of the Single Market and the Digital Single Market, 31 May 2012](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/130562.pdf); http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/intm/130562.pdf.

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0779:EN:NOT>

⁴ http://ec.europa.eu/internal_market/consultations/2011/intellectual_property_rights_en.htm

⁵ http://ec.europa.eu/internal_market/iprenforcement/docs/conference20110607/hearing-report_en.pdf

⁶ http://ec.europa.eu/internal_market/iprenforcement/conferences_en.htm

The survey focuses on the period from May 2006 onwards. It is directed at all interested public and private stakeholders. In particular, this survey is seeking information from stakeholders that participated in civil proceedings concerning infringements of intellectual property rights, namely plaintiffs and defendants as well as from other parties involved in such proceedings.

1.3. Confidentiality

Received contributions, together with the identity of the contributor, will be published on the Internet, unless the contributor objects to publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case the contribution may be published in anonymous form upon the contributor's explicit request. Otherwise the contribution will not be published nor will, in principle, its content be taken into account.

The information and contributions gathered in this round of consultation will be published on the website of DG MARKT in a statistical and aggregated form. A summary report of responses will be published in parallel.

Please [read our Privacy statement](#).

2. GUIDANCE ON HOW TO COMPLETE THIS SURVEY

2.1. Deadline

You are kindly asked to send your replies by 30 March 2013. On that date the electronic registering of replies will end. It will therefore not be possible to register replies from that date onwards.

The public consultation is available in English, French and German, the three working languages of the Commission. Responses can however be sent in any of the 23 official languages of the EU. Answers to the questions must be submitted using the electronic Interactive Policy Making application (IPM).

2.2. How to fill in this Survey

For the sake of simplicity and consistency, the questions in this survey have been assigned, according to their nature, to the categories of respondents that are most likely to possess the information in question. Consequently, once you identify yourself by choosing one of the categories of respondents in question 2, you will only be asked those questions from the survey that have been assigned to your particular group of respondents. In order to enable you to consult all the questions to all stakeholders, the full list of questions is accessible on DG MARKT website.

In your answers to the questions below, you are invited to refer to the situation in EU Member States.

The questions in the survey refer to all the intellectual property rights that are covered by Directive 2004/48/EC⁷.

⁷ These were enumerated in the Statement by the Commission concerning article 2 of Directive 2004/48/EC (2005/295EC), and consisted of copyright, rights related to copyright, sui generis right of a database maker, rights of the creator of the topographies of a semiconductor product, trademark rights,

As some of the questions require communication of specific data, we would ask you to provide your best estimate where you cannot provide an exact answer. If you do not dispose of data that are requested for a particular question, please indicate that the information requested is not available. You are not obliged to answer all of the questions.

If in your answer to questions, you are also referring to the Members States other than your Member State/country of residence/country of incorporation **please list the Member States that you are referring to.**

In the questions enquiring about the costs of proceedings, annual turnover and value of IPR portfolio we would ask you to provide **the amounts in EURO** (calculated on the basis of the relevant average exchange rate for the year in question), so that the data coming from all respondents are easily comparable using the IPM tool.

To submit your contribution, please follow the procedure below:

- First [click here to register using the following Registration Form](#)
- Once you have registered, you will receive by email a second link that will enable you to reply to the full consultation questionnaire

design rights, patent rights, including rights derived from supplementary protection certificates, geographical indications, utility model rights, plant variety rights, and trade names, in so far as these are protected as exclusive property rights in the national law concerned.