

Patent rights	NONE
Geographical indications	NONE
Utility model rights	NONE
Plant variety rights	NONE
Trade names	NONE
What is the value of your IPR portfolio?	100,000 images - difficult to place market value as each use would require individual price/fee.
How do infringements of your intellectual property rights impact the total value of your IPR portfolio (eg. estimated annual loss of turnover)? How do you calculate this impact?	Infringement of my images costs me:- Income - license fee not paid Time - to track down infringement. At least 1 day per month Time - dealing with infringers who are ignorant of copyright Time - dealing with infringers who know exactly what they are doing and choose to ignore my offer of settlement Time - dealing with infringers who know exactly what I am doing and try to negotiate over my fees Time - dealing with court paperwork for infringers who decline an offer of settlement It is worth noting that, to date, every infringer has paid up...but will only pay my fees if court action is imminent.
What is the substitution rate between original goods and counterfeited/pirated goods in your sector according to your estimation? How do you measure this rate?	N/A
How do infringements of your intellectual property rights impact your investment in research, development and innovation (eg. estimated loss in investments/amount of investments not undertaken)?	Loss is as follows:- Electronic publication rights are denied Subjects that would be subject to misrepresentation by infringement are not published Desire to create suppressed; Why create something new knowing the result will be infringed? Loss difficult; perhaps £20k pa
What is the relevance of the quality of civil enforcement system for intellectual property rights for your research, development and innovation investments?	Crucial
Please explain:	Without recourse to the law, infringers won't pay up, or refuse to pay my valuation of my property

Efficiency and effectiveness of civil proceedings in cases concerning infringements of intellectual property rights

Did you pursue alternative dispute resolution mechanisms before instituting court proceedings in the cases of intellectual property rights' infringements?	No
Do you consider that alternative dispute resolution mechanisms in cases of intellectual property rights' infringements are sufficiently accessible to parties affected by an infringement?	NO OPINION

Did you take part in litigation of cases concerning the infringements of IPRs during the period under examination?	NO
In approximately what percentage of infringements/alleged infringements you detected did you decide to litigate against the infringer/alleged infringer?	5
For what reasons did you refrain from litigating?	ONLY FOCUS ON SOME OF THE INFRINGEMENTS PROCEDURES TOO COSTLY PROCEDURES TOO LONG LOW LIKELIHOOD OF BEING COMPENSATED AT THE END OF THE PROCEEDINGS
On the basis of what criteria did you choose these infringements?	Anyone who has sufficient funds to pay up AND are in a country where legal redress is as simple as possible
Did your decision on whether or not to litigate depend on the jurisdiction?	YES
Please explain:	Not knowing local laws makes recovering damages challenging. Some jurisdictions are seen as 'challenging'
Did your decision on whether or not to litigate depend on the type of court concerned (e.g. courts specialised in intellectual property as opposed to standard commercial courts)?	N/A
Do you think it would be useful to establish, at EU level, model rules for fast track proceedings for civil law cases concerning infringements of IPRs?	YES
Please explain, specifying in particular what types of infringements of IPRs could be covered, and what kind of measures should be granted, in the course of such fast track proceedings:	Copyright. Punitive and exemplary damages to a) deter infringers and b) compensate me for my lost time
Do you think it would be useful to establish, at EU level, specific (in addition to Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure) model rules for small claims proceedings for civil law cases concerning infringements of IPRs?	YES
Please explain, specifying in particular what types of infringements of IPRs could be covered by such small claims proceedings:	All infringements
Do you think it would be useful to establish rules for fast track proceedings for litigation of infringements of community trademarks and community designs?	NO OPINION
Do you think it would be useful to establish rules for small claims proceedings for litigation of infringements of community trademarks and community designs?	NO OPINION
What safeguards of defendant's rights should be put in place in case of the EU-level fast track/small claims proceedings concerning infringements of IPRs?	None. Defendants waived their rights by infringing my rights.

Right of information	
How do you identify infringers/alleged infringers of your IPRs?	Using various online picture searching tools
Do you face problems identifying infringers/alleged infringers of your IPRs?	YES
Please explain what are the main difficulties:	Websites with no declared owner/contact details.
Has it been possible for you to obtain information allowing identification of infringers/alleged infringers directly from an intermediary?	N/A
Has it been possible for you to obtain a court order obliging an intermediary to disclose the identity of the infringer/alleged infringer?	N/A
Has it been possible for you to obtain a court order obliging an intermediary to disclose the identity of the infringer/alleged infringer of your IPRs in case where the intermediary and/or the infringer/alleged infringer of your IPRs were incorporated, or resident in a Member State other than the one in which you operate?	

Mechanisms to inform about the alleged infringement and to impede access to goods and services allegedly infringing IPRs	
Do you consider the possibility to use notification mechanisms to be a useful tool to inform the intermediary about the fact that his services are being (allegedly) used to infringe an intellectual property right and thus bring a stop to the infringing/allegedly infringing activity?	NO OPINION
Do you consider the possibility to use notification mechanisms to be a useful tool also where the infringements/alleged infringements occurred in, or the intermediaries are incorporated in, a Member State other than the one in which you operate?	NO
Please explain:	I only contact infringers when I have gathered all the evidence to launch a case.
Do you consider the possibility to use notification mechanisms to be a useful tool to inform the infringer/alleged infringer about the infringing/allegedly infringing character of his activity?	NO
Please explain:	
In cases of commercial scale infringements of intellectual property rights, do you consider that there should be particular consequences (i.e. including e.g. suspension of the infringer's/alleged infringer's account) resulting from a notification mechanism?	YES
Please explain:	I make no distinction between 'commercial' and 'non-commercial' The law makes no distinction. Punitive damages are the only deterrent/language infringers understand.

In cases of notorious infringers of intellectual property rights, do you consider that there should be particular consequences (i.e. including e.g. suspension of the infringer's/alleged infringer's account) resulting from a notification mechanism?	NO
Please explain:	Punitive damages are the only language/lesson

Requirements for granting injunctions

Injunctions imposed on intermediaries

Third party facilitation of infringements of IPRs

Corrective measures

Should the competent judicial authorities privilege one specific type of corrective measure?	NO OPINION
Should the competent judicial authorities be able to order that the goods that were found to infringe an intellectual property right should be disposed of outside the channels of commerce?	YES
Please explain under which conditions should the competent judicial authorities be able to order disposal outside the channels of commerce:	
Should the consent of the right holder constitute a conditio sine qua non for disposing of the goods that were found to infringe an intellectual property right outside the channels of commerce?	NO OPINION
Please explain how in your opinion the infringing goods could be disposed of outside the channels of commerce:	
Would you be in favour of introducing sanctions for a party who, notwithstanding that the infringing goods were subject to corrective measures ordered by the competent judicial authorities, allowed these goods to subsequently return to the channels of commerce?	YES
Please explain:	

Damages

How do you determine the amount of damages to be awarded for the purpose of filing a civil claim concerning an infringement of an IPR?	1. Moral rights - lack of a credit = + 100% of fee 2. Flagrancy; did the image contain embedded metadata with my contact details? Has my metadata been stripped? Anywhere between 100% and 600% of fee depending
Do you take into account the resources invested in research and development while determining the damages to be awarded for the purpose of filing a civil claim concerning an infringement of an IPR?	YES
Please explain:	

Would you agree that the level of damages awarded to the right holder in civil law cases concerning an infringement of IPRs should at least equal the profits made by the infringer? YES

Please explain:

Minimum double, otherwise not deterrent

Use of IPR enforcement measures for frivolous and/or anti-competitive purposes