



Plant variety rights	
Trade names	
What is the economic importance of licensing intellectual property rights from other entities for your undertaking?	CRUCIAL
Please explain:	
What is the economic importance of licensing your intellectual property rights to other entities for your undertaking?	CRUCIAL
Please explain:	
What is the value of your IPR portfolio?	
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?	about 60% less in the last 15 years, calculated by loss on regular turnover of comparable products
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?	according to official research more than 70% of music downloaded is unpaid. it corresponds to our loss
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)?	less investment into young artists, less employees, more work for the remaining, lower salary
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:	if the current situation will not improve, we will go out of business. artists will have no support by record companies. the model of self-marketing artists works for local and amateur bands but not for cultural fruitful professionals

### 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?	N/A
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
Please explain:	no manpower
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?	100

For what reasons did you refrain from litigating?	PROCEDURES TOO COSTLY PROCEDURES TOO LONG
Did your decision on whether or not to litigate depend on the jurisdiction?	
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)?	
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?	
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?	
Do you think it would be useful to establish rules for fast track proceedings for litigation of infringements of community trademarks and community designs?	
Do you think it would be useful to establish rules for small claims proceedings for litigation of infringements of community trademarks and community designs?	
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?	

Right of information	
How do you identify infringers/alleged infringers of your IPRs?	too complicated
Do you face problems identifying infringers/alleged infringers of your IPRs?	YES
Please explain what are the main difficulties:	no duty to inform by provider
Has it been possible for you to obtain information allowing identification of infringers/alleged infringers directly from an intermediary?	NO
What was the justification when the request was denied?	
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? YES

Please explain:

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? YES

Please explain:

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? YES

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:

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? YES

Please explain:

## 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? YES

Please explain which one: substantiation of facts, priority, conclusiveness

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? YES

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? basis is the regular pay (incl. margin).

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:

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

What is the impact of the frivolous use of IPR enforcement measures and/or use of these measures for anti-competitive purposes on your undertaking (eg. estimated additional costs/amount of investments not undertaken/exit from the market)? exit from the market, definitely