

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?	Our court proceedings take about 3-5 years and they cost usually HUF 500 000 (EUR 1690). Our main problem is that the court decisions are usually impossible to perform, because the other party (defendant) is not able to pay the due royalty, defined in the court decision.
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?	-
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)?	-
What is the relevance of the quality of civil enforcement system for intellectual property rights for your research, development and innovation investments?	High
Please explain:	-

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?	Yes
What kind of alternative dispute resolution mechanisms did you undertake?	BILATERAL NEGOTIATIONS
What were the costs and the length of proceedings?	Our court proceedings take about 3-5 years and they cost usually HUF 500 000 (EUR 1690).
Were your rights sufficiently safeguarded (including right to privacy, right to be heard, and due process)? Please explain:	Yes
Do you consider that alternative dispute resolution mechanisms in cases of intellectual property rights' infringements are sufficiently accessible to parties affected by an infringement?	YES
Please explain:	With regard to audiovisual authors: Yes, they are accessible, as the rightholders are represented by FilmJus, that proposes personal negotiation first and if these negotiations lead to no effect, we institute court proceeding on behalf of the rightholder.
Did you take part in litigation of cases concerning the infringements of IPRs during the period under examination?	YES
In how many cases per year do you take part on average?	Usually 2 action against infringements per year, court proceedings take about 3-5 years.
How many of these cases were subject to an appeal?	The defendants usually appeal.
In which capacity?	PLAINTIFF

In which countries? Please indicate relevant Member States:	HU - Magyarország
Did you already launch proceedings concerning infringements of your IPRs that occurred in another Member State?	NO
Please explain why:	-
Did you already launch proceedings concerning infringements of your IPRs that occurred in several Member States?	NO
Have claims against the validity of infringed/allegedly infringed intellectual property rights been made in the context of the litigation you were a party to? 	NO
In approximately what percentage of infringements/alleged infringements you detected did you decide to litigate against the infringer/alleged infringer?	40
For what reasons did you refrain from litigating?	PROCEDURES TOO COSTLY LOW LIKELIHOOD OF SUCESSFULLY PROVING THE INFRINGEMENT TO THE REQUIRED STANDARD
Did your decision on whether or not to litigate depend on the jurisdiction?	NO
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)?	NO
For you, is it more important to stop infringements that are committed for profit than infringements committed not for profit?	IT IS MORE IMPORTANT
What is your general intention in instituting civil law court proceedings concerning infringements of intellectual property rights?	TO BE COMPENSATED FOR THE INFRINGEMENT
What was the amount of a court fees that you had to pay - for instituting first instance proceedings on the merits of the case concerning an infringement of your IP right?	
Did you have to pay any other court fees in relation to the first instance proceedings on the merits of the case concerning an infringement of your IP right?	NO
What was the amount of external experts' costs you had to pay in relation to the first instance proceedings on the merits of the case concerning infringement of an IP right?	FilmJus hasn't asked for external expert yet.
What was the amount of in-house costs you had to bear in relation to the first instance proceedings on the merits of the case concerning infringement of an IP right?	It is very difficult to estimate the concrete amount, but it is about EUR 100-150 per year. Usually these costs derive from printing, transactions, shipping, etc.

What was the amount of legal representation costs you had to pay in relation to the first instance proceedings on the merits of the case concerning infringement of an IP right?	FilmJus mandates an external law firm to manage its court proceedings. However, in addition to managing the Legal Department of the society, the preparation of documents and the demand notes before the proceedings are managed by an in-house legal advisor, who is a full-time employee. His/her salary is around EUR 1050 (gross amount).
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Please indicate, if appropriate, other costs that you had to bear in relation to the first instance proceedings on the merits of the case concerning infringement of an IP right:

What was the total amount of costs you had to bear in relation to the first instance proceedings on the merits of the case concerning infringement of an IP right?	Our total costs are usually around EUR 5000-5500.
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Please explain how do these costs change for the preliminary proceedings:

Please explain how do these costs change for the appeal proceedings:

Please indicate which of the various costs associated with the proceedings on the merits of the case at first instance were ordered by the court to be reimbursed to the winning party by the losing party following the final decision:

Copyright:	COURT FEES FOR INSTITUTING PROCEEDINGS OTHER COURT FEES EXTERNAL EXPERT(S) COSTS ATTORNEY'S CHARGE ADDITIONAL ATTORNEY'S FEES
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Rights related to copyright:

Sui generis right of a database maker:

Rights of the creator of the topographies of a semiconductor product:

Trademark rights:

Design rights:

Patent rights:

Geographical indications:

Utility model rights:

Plant variety rights

Trade names:

Do you consider that the general rule, according to which legal costs and other expenses incurred by the successful party shall be borne by the unsuccessful party, is effectively applied by the courts?	YES
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Please explain:

<p>Please indicate the average time (months and days) between the lodging of a request before a court and the granting of a preliminary injunction (e.g. cease and desist orders against the infringer) in civil law cases concerning infringement of an IP right in your Member State/ in the Member States in which you have been a party to court proceedings:</p>	<p>Usually 1-2 month</p>
<p>Please indicate the average length (months and days) of court proceedings on the merits of the case (from lodging the claim to obtaining the final decision of the court at first instance) in civil law cases concerning infringement(s) of an IP right(s) in your Member State/ in the Member States in which you have been a party to court proceedings:</p>	<p>It usually takes 2-4 years to obtain the decision of the court at first instance.</p>
<p>Please indicate the average length (months and days) of the appeal court proceedings (from lodging the appeal to obtaining the final decision of the court at appeal) in civil law cases concerning infringement(s) of an IP right(s) in your Member State/ in the Member States in which you have been a party to court proceedings:</p>	<p>It usually takes 3-5 years to obtain the final decision of the court.</p>
<p>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?</p>	<p>YES</p>
<p>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:</p>	<p>It should cover mainly remunerations that are due to DVD distribution, public performance and online usages. Regarding the measures, they should be obligatory to the affected party and the scope of measures should be as wide as possible.</p>
<p>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?</p>	<p>YES</p>
<p>Please explain, specifying in particular what types of infringements of IPRs could be covered by such small claims proceedings:</p>	<p>I think in case of remuneration claims, not the type of infringement should be important in this regard, but the total sum that is claimed by the plaintiff.</p>
<p>Do you think it would be useful to establish rules for fast track proceedings for litigation of infringements of community trademarks and community designs?</p>	<p>NO OPINION</p>
<p>Do you think it would be useful to establish rules for small claims proceedings for litigation of infringements of community trademarks and community designs?</p>	<p>NO OPINION</p>
<p>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?</p>	<p>-</p>

Right of information

How do you identify infringers/alleged infringers of your IPRs?	We identify the infringers case by case, we do not have a fixed method for this. General databases, internet sites, social network pages, public mail addresses can help the identification.
Do you face problems identifying infringers/alleged infringers of your IPRs?	YES
Please explain what are the main difficulties:	In cases related to uses on the internet our quickest tool is the notice and take down procedure. The removal of infringing content is effective, however the Hungarian law does not allow for bringing cases against the alleged infringers, ie the content providers (who are private persons), for privacy reasons. (The HUngarian CMOs' founded a separate organization, ProArt Hungarian Association for Copyright, which manages these procedures.)
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?	N/A

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:	We prefer notice and take down procedures.
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?	NO OPINION
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 OPINION

Requirements for granting injunctions	
Have preliminary injunctions been sought in the context of the litigation you were party to?	NO
Have permanent injunctions been sought in the context of the litigation you were party to?	NO
Is the urgency of the case taken into account by the competent judicial authorities when granting a provisional injunction?	DONT KNOW
Is the potential harm of the measure for either of the parties taken into account by the competent judicial authorities when granting a provisional injunction?	YES
Is the impact of the measure on the market, competition and consumers taken into account by the competent judicial authorities when granting a provisional injunction?	YES
Are claims against the validity of IPRs taken into account by the competent judicial authorities when granting a provisional injunction?	YES
What other circumstances are taken into account by the competent judicial authorities when granting a provisional injunction?	

Injunctions imposed on intermediaries	
Have you obtained a preliminary injunction imposed on an intermediary who was not a party to the proceedings?	N/A
Have you obtained a permanent injunction imposed on an intermediary who was not a party to the proceedings?	N/A
Have you obtained a permanent injunction imposed on an intermediary providing services necessary for the financing of the infringing activity (e.g. a payment service provider)?	N/A
Have you obtained a permanent injunction imposed on an intermediary providing services necessary to access the infringing services/goods?	N/A

Have you obtained a preliminary injunction imposed on an intermediary providing services necessary to access the infringing services/goods when the intermediary or the person infringing/allegedly infringing your IPRs were incorporated in a Member State other than the one in which you operate?	N/A
Have you obtained a permanent injunction imposed on an intermediary providing services necessary to access the infringing services/goods when the intermediary or the person infringing/allegedly infringing your IPRs were incorporated in a Member State other than the one in which you operate?	N/A

Third party facilitation of infringements of IPRs

Corrective measures	
Have corrective measures been ordered in cases in which you have been a party?	NO
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?	NO OPINION
Should the consent of the right holder constitute a <i>conditio sine qua non</i> 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?	NO OPINION

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?	According to the § 355 of the Hungarian Civil Code on the grounds of indemnification, compensation must be made for any depreciation in value of the property of the aggrieved person and any pecuniary advantage lost due to the damage as well as the the indemnity or costs necessary for the attenuation or elimination of the pecuniary and non-pecuniary losses sustained by the aggrieved person.
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?	N/A

On what basis do the competent judicial authorities establish the amount of damages awarded to the right holder in its final decision in a civil claim concerning an infringement of an IPR?	See answer 1.
Is the unjust enrichment of the infringer taken into account by the competent judicial authorities in the course of establishing the amount of damages to be awarded to the right holder in its final decision in a civil claim concerning infringement of an IPR?	YES
Is due diligence of the right holder taken into account by the competent judicial authorities in the course of establishing the amount of damages to be awarded to the right holder in its final decision in a civil claim concerning infringement of an IPR?	YES
Is it possible for the competent judicial authorities in civil law cases concerning an infringement of IPRs to award damages on the joint basis of provisions on compensation for lost profits and those on unjust enrichment?	NO
Please explain:	According to the § 355 of the Hungarian Civil Code on the grounds of indemnification, compensation must be made for any depreciation in value of the property of the aggrieved person and any pecuniary advantage lost due to the damage as well as the the indemnity or costs necessary for the attenuation or elimination of the pecuniary and non-pecuniary losses sustained by the aggrieved person.
Is it possible for the competent judicial authorities in civil law cases concerning an infringement of IPRs to award damages on the basis of the alleged infringement of a broader portfolio of intellectual property rights, despite the fact that normally only a very limited number of these rights are asserted during one particular court proceeding?	DON'T KNOW
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?	NO OPINION
Do you consider the award of damages in cases of intellectual property rights' infringements is sufficient to compensate for the actual prejudice suffered by the parties affected by an infringement?	YES
Please explain:	It must be sufficient because it is the obligation of the court to define the level of compensation as high as it is equal to the actual prejudice.

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

In approximately what percentage of cases would you consider that a party used IPR enforcement measures frivolously and/or for anti-competitive purposes?	0
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