

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:

I need to be able to rely on a proper and efficient legal system to defend my rights. As a citizen I'm very concerned over the increasing tendency to move the enforcement on private entities, e.g. on an ISP to block sites with contents someone complains about, but where no fair trial ever takes place. This system probably works for the "big players", but it does not for small business and individuals.

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:

This method is not usable for small entities. It is a game between big corporations having no interest in anyone not big enough. The proper legal system is the right place to handle these disputes. At the same time, the high cost and long duration of court proceedings ARE a problem. This should be fixed, but not by replacing courts with something bad.

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? 0

For what reasons did you refrain from litigating?

Did your decision on whether or not to litigate depend on the jurisdiction? N/A

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? NO

Please explain, what would be in your opinion the drawbacks of this system?	I fear "fast track" will mean "private company courts". They will most likely be affected by the company's interests, rather than only upholding the law.
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:	As long as this is done within the proper legal system, and all parties are properly heard, ways to reduce cost and delays is certainly welcome.
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
Do you think it would be useful to establish rules for small claims proceedings for litigation of infringements of community trademarks and community designs?	YES
Please explain:	
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?	Again, the important thing to ensure is that it is independent courts that handle the cases. It must not become a field of private courts or private police.

Right of information

How do you identify infringers/alleged infringers of your IPRs?	This is also a field where I see problems with things being privatized too much. Some member states release personal information to other parties without a proper legal routine.
Do you face problems identifying infringers/alleged infringers of your IPRs?	NO
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?	NO
Please explain:	It must not be enough with an allegation for anyone to be cut off. The law must decide who is guilty or not. In addition, if someone performs a crime, IPR violation, or other prohibited activity online, that party should be properly tried. He should not solely be cut off from the net. A slightly different but related issue is the handling of child pornography. Sometimes it seems authorities don't want to actually get the guilty to court, it is enough to prevent him from spreading the information.
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:	
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?	NO
Please explain:	The "alleged infringer" must not be punished in any way until an independent court has tried the allegation. We should live under the rule of law, and the rule should assume innocence until guilt is proven.
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:	Again, it must be the court that decides, not punitive actions based on mere allegations.

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
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?	
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
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
Please explain:	The court should be free to make to make reasonable rulings in each particular case. While this idea probably makes sense in many cases, it should not be mandatory. I provide access to some information I hold the rights to free of charge, as long as the receiver himself does not put restrictions on his derived works. If someone takes this work and uses it in violation of this license to get an advantage of some kind, it is a violation even if the advantage isn't of the monetary kind.

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