

How would you evaluate the significance of your intellectual property rights and related assets based on the performance and growth?

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

Design rights

Patent rights

Geographical indications

Utility model rights

Plant variety rights

Trade names

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?

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? None

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? OTHER

What were the costs and the length of proceedings? no costs, a minute of time for a friendly e-mail which resulted in quick compliance with the licensing terms for the content in question.

Were your rights sufficiently safeguarded (including right to privacy, right to be heard, and due process)? Please explain:

Please explain:

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:	If you have somebody's contact data available to start legal action against him, you can just as easily try to contact that person first in a non-threatening way. Formal "dispute resolution mechanisms" of any kind against small actors such as websites or blogs results in alienation of the consumers of your content. After all, those that rights-infringingly copy the most content are the same people that legally acquire above-average amounts of it as well, as numerous studies show.
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?	OTHER
Please explain:	not deemed necessary. see 3 / 6 / 7.
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
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?	There should be no fast-track legal proceedings of any kind, neither on EU nor on national level. Due process has to be observed at all times. Fast track civil cases concerning infringement of IPRs would likely have to include quick access to individual internet user's IP address information without thoroughly checking for probable cause or obtaining a proper court order. This would be a disproportional violation of people's right to privacy, based on pure allegations.
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?	NO
Please explain, what would be, in your opinion, the drawbacks of this system?	see above

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?	NO
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?	Fast track proceedings as such infringe on the defendant's rights. Civil rights have to be valued higher than the material interest of the IPR holders. This is even more true for small claims.

Right of information

How do you identify infringers/alleged infringers of your IPRs?	I do not actively search for them, but sometimes they do come to my attention. In such cases, it has always been very easy to find contact information on the website in question. Also see my answers to the questions about alternative methods to deal with infringements. Legally facilitating the transfer of data beyond such simple measures is problematic from a privacy perspective. In IPR reform, less attention should be put on prosecuting infringers than on new business models that make legal access to content more convenient than infringing access. Further legislation to protect the current way IPR is handled through disproportional enforcement measures hampers innovation and poses a local disadvantage for Europe in the global digital economy.
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:	I have never had problems directly contacting an alleged infringer of my IPRs. An official notification mechanism is not necessary. Having a central register of alleged infringements only opens a slippery slope to legislation already punishing alleged infringers without due process.
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 find most people can nowadays be approached directly in English. For my general views on a central notification mechanism see answer 3.
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:	General suspension of accounts cannot be an option in the 21st century. Many public services can hardly be taken advantage of without full access to all sorts of internet services. Imagine looking for a job without internet access or an e-mail account. I also reject the term commercial scale as it is often used in this debate. Commercial scale can only mean that the infringer derived substantial financial profit from the infringement. The term is often abused to mean above average file sharers.
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:

"Notorious infringers" is just as ill-defined as commercial scale. Also, I cannot support the suspension of anybody's accounts in any case. In an information society, unhindered access to digital services of all kinds is just as essential as other utilities. It is a prerequisite to participation in daily life and in our democratic society. It must not for any reason be suspended, let alone for petty monetary interests of intellectual property rights holders. For cases of alleged infringement, there is a proper way of litigation and due process for, where consequences follow if, and only if, the alleged infringer has been found to be an actual infringer by a court. If alleged infringement cases put too much strain on the court system, the overall IPR regime has to be revised to better fit the reality of the 21st century. Further emphasis on enforcement is the exact opposite of that. Cuts to due process for economic interest and an IPR industry unwilling to create innovative business models are unacceptable.

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?

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?

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?

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?

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? NO

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:

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