

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:	The Danish Court Administration has no available information regarding the average length of court proceedings in cases concerning infringements of IPRs.
In your Member State, which courts are competent to hear civil law cases concerning infringements of IPRs in first instance and how many of these courts exist?	The 24 District Courts and the Maritime and Commercial Court are competent to hear civil law cases concerning infringements of IPRs in first instance.
In your Member State, which courts are competent to hear civil law cases concerning infringements of IPRs at appeal and how many of these courts exist?	The two High Courts and the Supreme Court are competent to hear civil law cases concerning infringements of IPRs at appeal.
Are there courts specialised in litigation of intellectual property related cases in your Member State?	YES
Please give more details:	The Maritime and Commercial Court
In your Member State, are fast track proceedings accessible in civil law cases concerning infringements of IPRs?	NO
In your Member State, are small claims proceedings accessible in civil law cases concerning infringements of IPRs?	YES
Please give more details specifying in particular which criteria are applied to define a "small" claim:	In Denmark, the criteria for applying the small claims procedure is the value of the case. Cases regarding claims of no more than 50.000 DKK (approx. 6,700 EURO) can be treated through the small claims procedure. However, parties may also agree to apply the small claims procedure even if the amount of the claims exceeds 50.000 DKK.
Are there maximum amounts for damages that can be awarded as a result of these proceedings?	YES
Please specify the relevant maximum amounts in EURO:	Normally, the maximum amount is approximately 6,700 EURO. However, the parties can agree to use the small claims procedure also in cases concerning larger claims.
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:	Council Regulation No 805/2004 contains rules establishing an enforcement order for uncontested monetary claims in civil and commercial matters. From a Danish point of view it sounds interesting if a similar system, regarding for example uncontested claims in cases of IPR infringement, but covering also other types of claims than monetary claims, maybe could be introduced at the EU level.

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:	
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?	It is essential that a small claims procedure and a fast track procedure at the EU level is transparent to the parties and give the defendant fair access to defense. To the extent that the defendant is not required to be represented by an attorney at law, the court should be required to advise him to a greater extent than in regular civil cases. It should also be possible for the defendant to protest against the use of such a small claims procedure or fast track procedure if the case after the defendant's conviction should be treated according to regular procedural rules on civil matters.

Right of information

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:	
Are notification mechanisms being used by the rights holders in your Member State?	YES
Please provide us with more specific information about these mechanisms indicating in particular whether it is mandatory for the intermediaries to establish them:	Denmark has not adopted any mandatory notification mechanisms. The mechanisms adopted by private companies varies and it is not possible to supply detailed answers about the content of such mechanisms.
Does the infringer/alleged infringer have a possibility to contest a notification sent by the right holder?	
Is it possible for a right holder to use the notification to ask an intermediary to impede access to goods or services that he considers to be infringing his IPRs and that are offered through the services of this intermediary?	
Is a review of the measure resulting from the use of this mechanism (e.g. when access to an offer displayed on a website was impeded) provided for?	
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?	YES
Please explain:	

Requirements for granting injunctions

Is the urgency of the case taken into account by the competent judicial authorities when granting a provisional injunction?	YES
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?	DON'T KNOW
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?	The conditions for granting a provisional injunction are laid down in the Administration of Justice Act, section 642 and 643.
Is it possible in your Member State to file a 'protective letter' with the competent judicial authorities in case a person considers it likely that an application for ex parte provisional measures against him/her as a defendant may be lodged in the near future?	NO

Injunctions imposed on intermediaries

Third party facilitation of infringements of IPRs

Is it possible in your Member State to launch legal proceedings against a third party who, even if not directly liable for an infringement of IPR under current rules, is engaged in an activity that actively and knowingly facilitates infringements of IPRs on the commercial scale by others?	YES
Please explain:	
Is it possible in your Member State for the right holder to claim damages from a third party who actively and knowingly facilitates infringements of IPRs?	YES
Please explain:	

Corrective measures

Should the competent judicial authorities privilege one specific type of corrective measure?	YES
Please explain which one:	Destruction
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:	
Are there accredited recycling schemes for the goods that were found to be infringing intellectual property rights in your Member State?	NO
Are there schemes for donating the goods that were found to be infringing intellectual property rights to accredited charity organisations in your Member State?	NO

Are there specific modalities of destruction of goods that NO
were found to be infringing intellectual property rights in
your Member State?

Are there sanctions for parties who, notwithstanding that YES
the infringing goods were subject to corrective
measures, allowed these goods to subsequently return to
the channels of commerce?

Please explain:

Would you be in favour of introducing sanctions for a YES
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?

Please explain:

Damages

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?

Article 43 in the Danish Trademarks Act is inserted
below. Parallel provisions on damages are found in the
Danish acts regulating other types of IPR. Article 43 in
the Danish Trademarks Act; (1) Any person who
intentionally or negligently infringes another person's
trade mark right shall pay (i) a reasonable compensation
to the injured party for the exploitation and (ii)
damages to the injured party for the further injury which
the infringement has caused. (2) In fixing the damages
according to subsection 1(ii) inter alia the loss of profit
suffered by the injured party and the illicit profit
obtained by the infringer shall be taken into
consideration. (3) In cases comprised by subsection 1 an
additional compensation may be fixed to the injured
party for non-financial injury.

Is the unjust enrichment of the infringer taken into YES
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?

Is due diligence of the right holder taken into account by NO
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?

Is it possible for the competent judicial authorities in YES
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?

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?	NO
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:	
Is it possible in your Member States to award punitive damages in a case of IPRs infringements?	NO
Is it possible in your Member State for a relevant third party to claim compensation for damages arising out of an infringement?	YES
Please explain:	
Is it possible in your Member State for a relevant third party to claim compensation for damages arising out of measures taken to enforce IPRs which are subsequently held unfounded?	YES
Please explain:	

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

Are there provisions on frivolous and/or anti-competitive use of the enforcement measures established in your Member State?	NO
Are there sanctions for frivolous and/or anti-competitive use of the enforcement measures established in your Member State?	NO
How does the legislation in your Member State safeguard your rights as a defendant, in particular in terms of (1) right to privacy, (2) due process requirements? Please explain:	The rights of the defendants are considered safeguarded by the legal guarantees imbedded in the Administration of Justice Act.