



Sui generis right of a database maker	CRUCIAL
Rights of the creator of the topographies of a semiconductor product	
Trademark rights	CRUCIAL
Design rights	
Patent rights	
Geographical indications	
Utility model rights	
Plant variety rights	
Trade names	
What is the value of your IPR portfolio?	The member companies of the IVF (a trade association) contribute substantially to the annual market value of about 500€ billion.
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?	As a trade association, the IVF does not have a commercial role of its own and is thus not in a position to estimate the total value of any IPR portfolio or the precise impact of infringements. However, we consider that robust enforcement of copyright throughout Europe is crucial to ensure a sustainable European content industry going forward which can continue to contribute to economic growth and employment. With Europe facing difficult economic times characterized by financial frailty and under-performing economies, the focus of the EU should be on policies that encourage the growth of economic activity and job creation, such as that already evidenced in the European audiovisual industry. It is worth emphasizing that the audiovisual online licensing market in Europe “is dynamic, diverse and growing rapidly” (see the European Commission’s Green Paper on the online distribution of audio-visual works in the European Union, COM(2011) 427). It is therefore crucial to ensure that any new legislative and policy initiatives, notably in the field of enforcement of IPRs, strengthen the foundations of and conditions for continued sustainable development of the European audiovisual sector in a manner consistent with the European Commission’s own commitment to promote above all growth-enhancing measures as part of the Europe 2020 Strategy. We would like to recall that the member companies of the IVF contribute substantially to the annual market value of about 500€ billion generated by cultural industries in Europe, which in turn translated
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?	N/A

<p>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)?</p>	<p>As a trade association, the IVF does not have a commercial role of its own and is thus not in a position to estimate the total value of any IPR portfolio or the precise impact of infringements. However, we consider that robust enforcement of copyright throughout Europe is crucial to ensure a sustainable European content industry going forward which can continue to contribute to economic growth and employment. With Europe facing difficult economic times characterized by financial frailty and under-performing economies, the focus of the EU should be on policies that encourage the growth of economic activity and job creation, such as that already evidenced in the European audiovisual industry. It is worth emphasizing that the audiovisual online licensing market in Europe “is dynamic, diverse and growing rapidly” (see the European Commission’s Green Paper on the online distribution of audio-visual works in the European Union, COM(2011) 427). It is therefore crucial to ensure that any new legislative and policy initiatives, notably in the field of enforcement of IPRs, strengthen the foundations of and conditions for continued sustainable development of the European audiovisual sector in a manner consistent with the European Commission’s own commitment to promote above all growth-enhancing measures as part of the Europe 2020 Strategy.</p>
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<p>What is the relevance of the quality of civil enforcement system for intellectual property rights for your research, development and innovation investments?</p>	<p>Crucial</p>
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<p>Please explain:</p>	<p>High quality civil enforcement of copyright throughout Europe is crucial for our members' research, development and innovation investments. A high standard of enforcement is a necessary prerequisite for the willingness of stakeholders to invest in the creation of new content. There is notably an urgent need to incentivise increased cooperation from intermediaries and ensuring adequate remedies to address rogue sites, many of which are still located in the EU.</p>
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<p><b>Efficiency and effectiveness of civil proceedings in cases concerning infringements of intellectual property rights</b></p>	
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<p>Did you pursue alternative dispute resolution mechanisms before instituting court proceedings in the cases of intellectual property rights' infringements?</p>	<p>Yes</p>
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<p>What kind of alternative dispute resolution mechanisms did you undertake?</p>	<p>MEDIATION OTHER</p>
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<p>What were the costs and the length of proceedings?</p>	<p>National legal proceedings involve substantial legal costs though the actual levels vary considerably from Member State to Member State. We usually estimate a range of €25.000 for preliminary proceedings up to several hundred thousand € for proceedings involving appeals (to the Court of Justice of the European Union (CJEU)). The length of proceedings also varies considerably. While preliminary or urgent matters are often heard relatively quickly (on average a decision is rendered within three months after initiation, procedures on the merits can take considerable time (on average 1 to 5 years).</p>
<p>Were your rights sufficiently safeguarded (including right to privacy, right to be heard, and due process)? Please explain:</p>	<p>Our rights were safeguarded. The recent CJEU case law confirms that all relevant fundamental rights have to be weighed. National courts follow this test. See Justice Arnold in EMI v. BT (2013 EWHC 397 Ch. There is a clear obligation on national courts to safeguard fundamental rights. The confirmation by the CJEU in the Promusicae, SABAM/SCARLET, Netlog and L'Oreal cases that private property rights shall be weighed equally against other fundamental rights such as freedom of speech provides the necessary background for national courts to arrive at a balanced outcome.</p>
<p>Please explain:</p>	<p>We consider that ADR is a viable tool when dealing with a defendant who is willing to engage. However, this is not always the case for example in large scale internet piracy cases where rogue and anonymously operating entities are involved. Court proceedings are launched when other options have failed or are considered inappropriate.</p>
<p>Do you consider that alternative dispute resolution mechanisms in cases of intellectual property rights' infringements are sufficiently accessible to parties affected by an infringement?</p>	<p>YES</p>
<p>Please explain:</p>	<p>ADR is sufficiently accessible in our experience. There should be no requirement to use ARD as precursor to litigation.</p>
<p>Did you take part in litigation of cases concerning the infringements of IPRs during the period under examination?</p>	<p>YES</p>
<p>In how many cases per year do you take part on average?</p>	
<p>How many of these cases were subject to an appeal?</p>	
<p>In which capacity?</p>	<p>PLAINTIFF OTHER</p>
<p>Please explain:</p>	<p>The member companies of the IVF and our local antipiracy bodies engage in litigation - the IVF itself does not engage in legal proceedings.</p>

In which countries? Please indicate relevant Member States:	BE - Belgique / België DE - Deutschland DK - Danmark ES - España FI - Suomi/Finland FR - France IT - Italia NL - Nederland SE - Sverige UK - United Kingdom
Did you already launch proceedings concerning infringements of your IPRs that occurred in another Member State?	N/A
Did you already launch proceedings concerning infringements of your IPRs that occurred in several Member States?	N/A
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 cases were these intellectual property rights found to be invalid as a result of these claims?	
For what reasons did you refrain from litigating?	OTHER
Please explain:	Our member companies and our local antipiracy bodies are involved in litigation - the IVF itself does not engage in legal proceedings.
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)?	N/A
For you, is it more important to stop infringements that are committed for profit than infringements committed not for profit?	IT IS NOT MORE IMPORTANT
What is your general intention in instituting civil law court proceedings concerning infringements of intellectual property rights?	TO STOP THE INFRINGING ACTIVITY TO TAKE MEASURES TO PREVENT FURTHER INFRINGEMENTS TO DISSUADE INFRINGING BEHAVIOUR IN THE FUTURE OTHER

Please explain:

As regards the cases launched by our members and/or our local anti-piracy bodies, litigation is undertaken with a view to stopping the infringing act, minimising damage to the creative industries and establishing or clarifying principles of law and with a view to achieving cooperation from, in particular, intermediaries in the long term. Litigation as an enforcement tool is used against uncooperative platforms which inflict the most damage to the legal market.

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?

The assistance of experts is sometimes mandated by the court and otherwise undertaken by parties to support their case. In the area of internet related litigation, assistance from IT specialists, statisticians, accountants and academics is regularly acquired. The costs of these experts are set on the basis of free market principles or on the basis of court determined fee levels. The range of costs is generally €5.000/25.000 but can go as high as €100.000/150.000.

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?

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?

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?

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:

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?	NO
Please explain:	The application of Article 14 IPRED varies substantially from MS to MS. The provision on payment of full legal costs is a critical tool for providing disincentives to commercial scale copyright infringement. Those who knowingly engage in commercial scale infringement should be exposed to payment of full legal costs. Application of “know your customer” regulations to internet intermediaries is a necessary ingredient to be able to actually collect cost awards.
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:	The time between lodging a request and the granting of a preliminary injunction on average takes between two weeks and three months. This is too long in the internet context. Fast action is crucial since audiovisual content and films are at their most valuable when they are recent. Article 9.4 ED provides for ex-parte PI. This is an effective instrument, however, it is not clear in all Member States whether ex-parte can be applied against direct infringers or also against internet intermediaries that facilitate infringement. Further clarification that not only direct infringers but also facilitators fall within the scope of Article 9 IPRED (specifically Article 9.4) would speed up proceedings and enhance enforcement efforts.
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:	As regards the cases launched by our members and/or our local anti-piracy bodies, proceedings on the merits take several years (the range is between 1 to 5 years). This is far too long a timeframe in internet terms. After that period of time, the right holder has to apply for procedures on the merits, which can take several years. The gap between injunctive relief (several months) and full proceedings (several years) should be addressed by provisions for fast-track procedures.

<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>As regards the cases launched by our members and/or our local anti-piracy bodies, appellate proceedings take between 1 and 3 years.</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>We believe that it would be useful to establish rules for fast track procedures. As stated in previous questions, we believe that the gap between injunctive relief procedures and procedures on the merits (months vs. years) is far too wide. Fast track procedures could fill this gap. Fast track procedures could specifically cover the identity disclosure and evidence preservation claims in Articles 6, 7 and 8 IPRED) as well as procedures for the enforcement of injunctions from other Member States.</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>We believe that it would be useful to establish model rules for small claims proceedings. However, right holders should not be forced to use fast track/small claims procedures if the claim is below the threshold as there may be reasons why normal procedures are more appropriate. In particular smaller companies often feel excluded from the legal system and find enforcing their rights too costly and time consuming. Small claims proceedings could address that lack of balance. Small claim proceedings should not focus on monetary claims only and should include the ability to file for injunctive relief. Companies of all sizes should have access to justice, including the ability to stop on-going infringements.</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>Small claim proceedings should be subject to judicial oversight as is common in national small claims procedures. This safeguards the rights of all the parties.</p>

## Right of information

<p>How do you identify infringers/alleged infringers of your IPRs?</p>	<p>Commercial scale infringers operate without any regard for the law, anonymously (fake and/or anonymous WHOIS data) and channel their revenues through empty shell companies. It is difficult to identify this type of infringer. Identification is sought by reviewing publicly available records and by filing for disclosure orders against banks and other intermediaries. The process is ineffective and the information often false. Internet intermediaries like domain name providers, hosting providers, payment providers, online ad-brokers should be subject to “know your customer” obligations (see Article 5 IPRED). Right holders should in particular have the legal means to locate commercial scale infringers. The CJEU has confirmed in the L’Oreal v. eBay case that infringers operating in the course of trade must be identifiable. See also paragraph 142 of the L’Oreal v. eBay decision.</p>
<p>Do you face problems identifying infringers/alleged infringers of your IPRs?</p>	<p>YES</p>
<p>Please explain what are the main difficulties:</p>	<p>Infringers conduct business in anonymity online in spite of Art. 5 e-Commerce Directive). Internet intermediaries (eg. hosting and payment providers) do business anonymously. The EU has “know your customer” legislation which applies to various stakeholders. It should also apply to internet intermediaries. The anonymous nature of online IPR infringements is to the detriment of right holders and Member States tax revenues.</p>
<p>Has it been possible for you to obtain information allowing identification of infringers/alleged infringers directly from an intermediary?</p>	<p>YES</p>
<p>Please explain by which type of intermediary and by what means:</p>	<p>In most cases intermediaries are only willing to provide identification of an infringer/alleged infringer following court orders. In this respect, the decision in the CJEU Bonnier case (C-461/10) has brought clarity on the subject of the right of information clause in Article 8 IPRED.</p>
<p>Has it been possible for you to obtain a court order obliging an intermediary to disclose the identity of the infringer/alleged infringer?</p>	<p>YES</p>
<p>Please explain the procedure involved, the type of intermediary involved and what was the cost and duration of the proceedings:</p>	<p>Disclosure decisions have been obtained against access providers, hosting providers and payment providers. It is a problem that in some states identity procedures are only possible in procedures on the merits (taken years).</p>

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:

Notice and action procedures are useful and effective in the context of bona-fide platforms, incidental infringement, and where the platform takes proactive measures against infringement. Notice and action procedures are not useful vis-à-vis platforms/intermediaries that encourage infringement by failing to take effective measures to prevent infringement and where the majority of content is infringing.

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:

Notice and action procedures are useful in the international or cross-border context although their effectiveness could be substantially increased by adding repeat infringement policies. Notice and action procedures are not useful for platforms/intermediaries that encourage infringement, and obviously they serve no purpose whatsoever with regard to platforms that ignore notices altogether. Where the right holder sending the notice is located in another jurisdiction, the intermediary in question is often even more unlikely to cooperate.

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?	YES
Please explain:	We support appropriate enforcement against commercial scale infringements. This includes account suspension, but also other measures such as providing valid contact details of the infringer, discontinuation of hosting, DNS and payment services and siteblocking.
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:	We support appropriate enforcement against notorious infringers, including account suspension, account deletion but also other measures such as providing valid contact details of the infringer.

### Requirements for granting injunctions

Have preliminary injunctions been sought in the context of the litigation you were party to?	
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?	
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?	DON'T KNOW
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?	DON'T KNOW
What other circumstances are taken into account by the competent judicial authorities when granting a provisional injunction?	The CJEU has clarified in several recent verdicts (L'Oreal v. eBay and Sabam/Netlog) that national courts have to apply the proportionality test, i.e. weighing all fundamental rights against each other in coming to a just outcome. In doing so, the courts take into account the rights and interests of the parties and stakeholders. Further to the aforementioned recent CJEU case law, there are sufficient safeguards in place to prevent unjust use of injunctions.

### 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?	
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?	NO
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?	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

<p>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?</p>	<p>National courts can calculate damages on the basis of a variety of factors including the following elements: “lost revenue”, “lost license fees”, “lessened value of the IPR rights”, “reputational damages”, “legal costs”, “costs for experts and investigations” and “profits made by the infringer”. In practice, exact calculation of damages is difficult since most infringers try to hide the level of infringements that they are responsible for. Right holders therefore tend to focus on claims for the recovery of the infringers profits. Damage claims and recovery of profit claims are rarely effective due to the lack of adequate disclosure obligations in most Member States as well as the lack of “know your customer” regulations applicable to service providers. Articles 6 and 7 contain disclosure and conservation provisions applicable to infringers. These obligations could be extended to service providers that facilitate infringement on a commercial scale.</p>
<p>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?</p>	<p>YES</p>
<p>Please explain:</p>	<p>As regards the cases launched by our members and/or our local anti-piracy bodies, the research and development costs can be a factor in the part of the claim that is based on the damage to the value of the IPR rights.</p>
<p>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?</p>	<p>Courts take into account all the relevant factors, including the (financial) position of the infringer. The goal in most judicial national systems is to reach a “zero-sum” outcome whereby the victim’s position is restored (i.e. he is in the same position as he would have been, had his rights not been infringed) and the infringer is stripped of his benefits (i.e. he is also placed in the same position). However, this is often very difficult if not impossible to assess for the reasons mentioned under question 1.</p>
<p>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?</p>	<p>YES</p>
<p>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?</p>	<p>YES</p>

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:	
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:	A second point is the possibility to apply for catalogue wide injunctions. In some Member States, such injunctions are possible (Netherlands, UK) whilst in others injunctions are only available on a title specific basis (Germany). Illegal online platforms offer to their audiences the possibility to download libraries covering thousands of titles. The possibility for right holders to apply for catalogue wide injunctions against structurally infringing sites is necessary for effective civil enforcement.
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:	The infringer should be stripped of his gains and the right holder (as the victim) should at least be placed in the position he was in before the infringement. The infringer should not be better off. However, we also support regulation whereby there is a deterrent element so as to provide a disincentive to infringe; if damages just equal the license fee an infringer should have paid, there is no incentive to take a license in the first place.
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?	NO
Please explain:	The award of damages are insufficient to compensate for the actual harm suffered. Online infringement involves thousands of titles, whereas the damage amounts are usually only calculated on the basis of a sample of titles. The ability for rightholders to calculate damages or claim profits could be improved by clarifying that IPRED Art 6 and 7 also apply to service providers that facilitate infringement. This would allow rightholders more effectively to calculate and claim damages.

**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?