Reforming the Injunctions Procedure in Sweden

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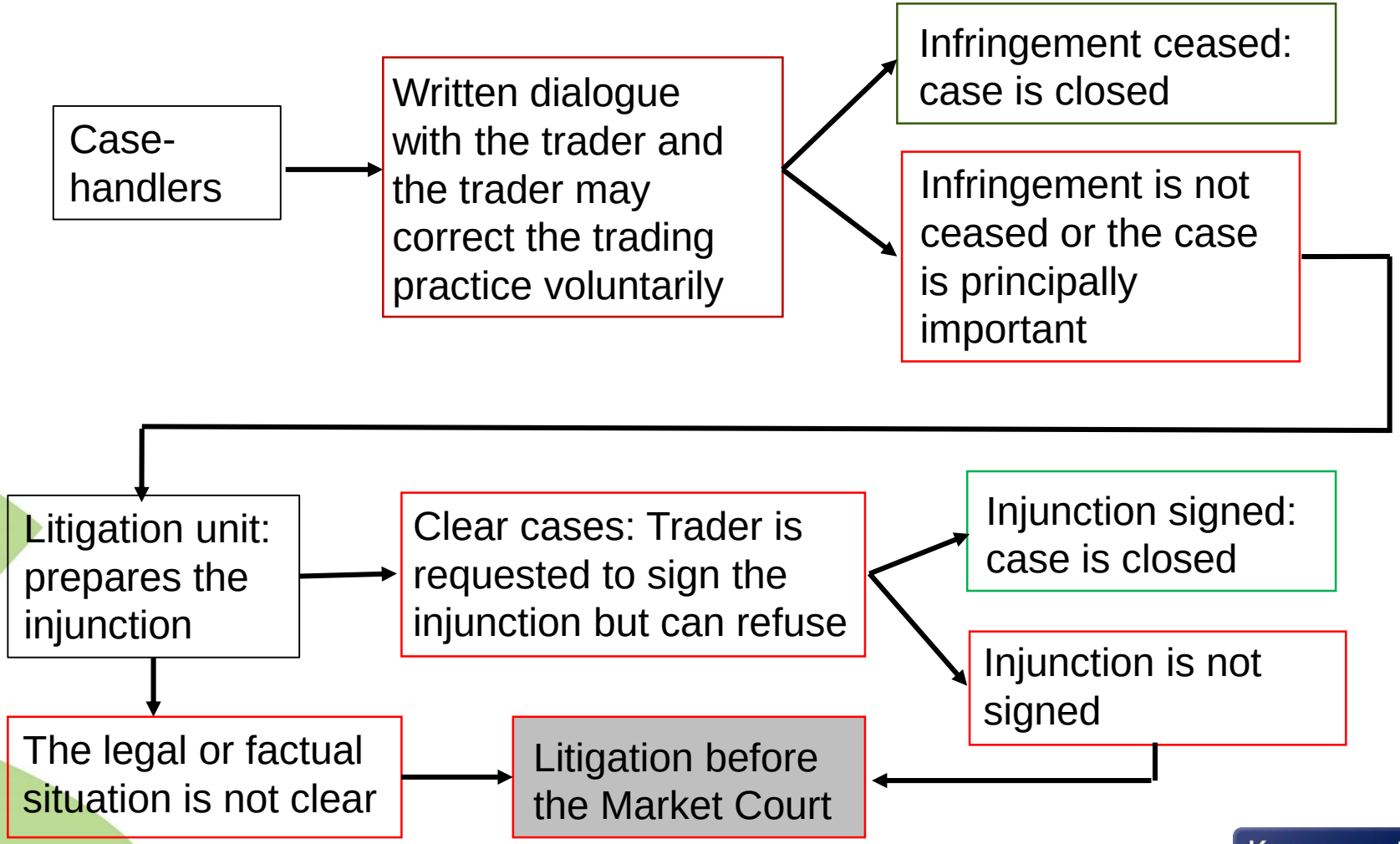
Injunctions, conditional fines and the Market Disruption Fee

- Aggressive marketing (i.e. UCPD Black List) is not subject to the injunction procedure, different procedural rules apply and a Market Disruption Fee is imposed

- The injunction is in most cases combined with a conditional fine

- 1 October 2016: new injunction procedure in Sweden

Case-handling procedure & injunctions pre-October 2016



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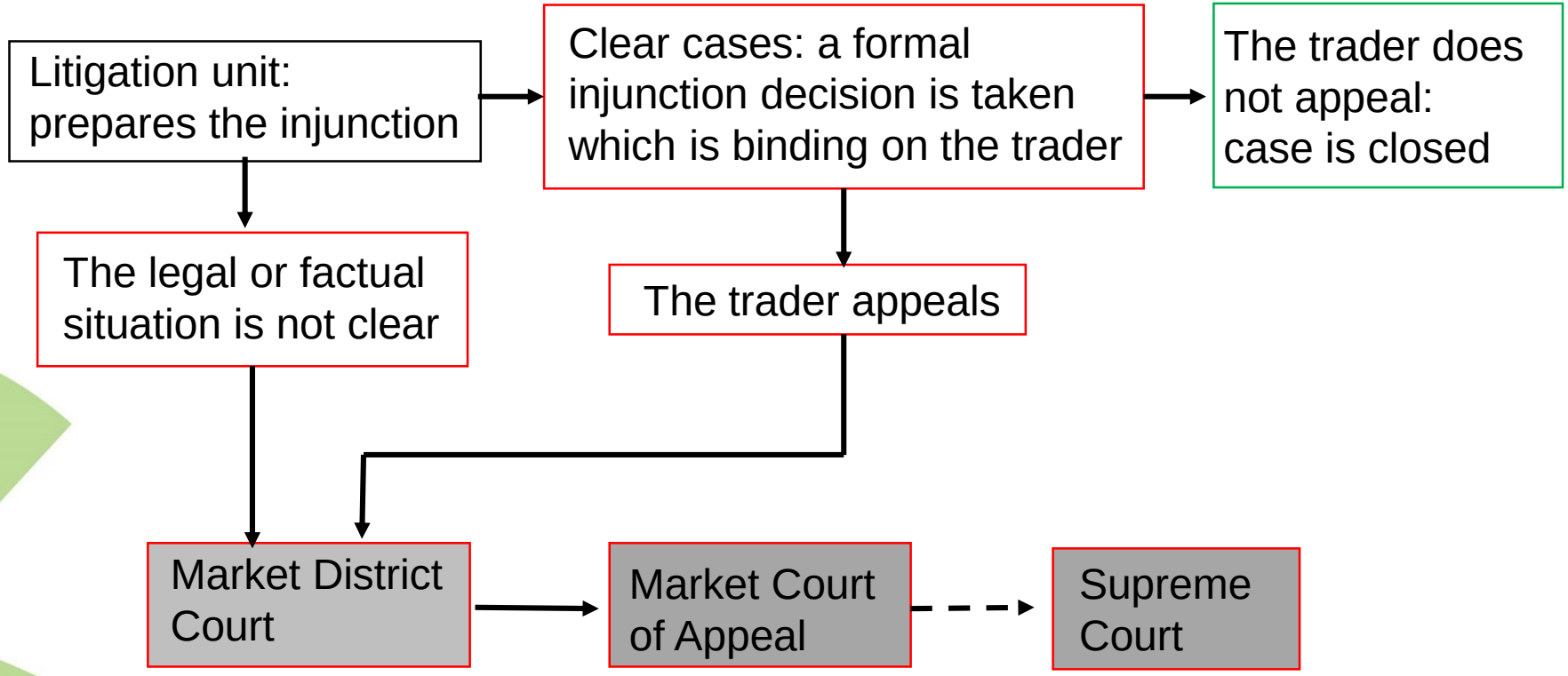
Injunction procedure as of October 2016

The procedure remains the same up until the transfer to the litigation unit



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The reasons for the changes made to the injunctions procedure

Disadvantages of the old system:

- The need for the trader to sign and agree with the injunction to avoid court proceedings gave rise to considerable delays in the case-flow

Advantages of the new system:

- Quicker procedure, most likely less appeals than refusals to sign the injunction

Who bears the costs for the injunction procedure:

Differentiate between an appeal and a direct lawsuit:

- the composition of the courts are different, and;
- the procedural rules are different
- the distribution of costs is different

Appeal against an injunction decision: each party carries their own costs and does not risk paying the other party's costs if loss

A direct lawsuit: the party which lost will also bear the costs of the other party to the extent that they are "reasonable" (The court decides)

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Who can use the injunctions procedure in Sweden

- The Consumer Ombudsman
- Consumer organisations
- Traders which are directly concerned
- Traders’ associations

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Thank you