**ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS AROUND THE WORLD**

**Legislation, Case law and Commentaries**

### Note to Authors

***Concept***

***Enforcement of Intellectual Property Rights Around the World*** will be a comprehensive book consisting of different country chapters aiming to give an in-depth overview of the framework, law and practice of enforcing intellectual property rights in the respective jurisdictions.

The purpose of the book is to give an insight of the status in each jurisdiction of:

1. The legal framework of the enforcement of intellectual property rights;
2. The case law on the subject;
3. The views of distinguished authors;
4. Open issues;
5. Recent developments and projected changes.

The book intends to keep the balance between an academic in-depth report and a practical guideline. It is meant to be more than a cursory question and answer approach which has become quite common the last years, but which just misses that little bit more that practitioners and general counsel expect. Contributors are making an overview that is useful for both practitioners, who are active cross-border and internationally, and general counsel, who want in-depth information to coordinate actions in different jurisdictions and avoid contradicting approaches in proceedings that are conducted simultaneously, without the need to first consult local counsel and ask for that typical initial advice that should be readily available and complementary.

***Guidelines***

* Please use this document and do not change its structure, letter type, headings, lay-out, etc… Please insert your text
* Please structure your contribution using the framework of headings provided below. The text in italics between brackets will not appear in the final version of the book and is intended only for the author’s guidance.
* We recommend reviewing the TRIPS Agreement and its implementation in your jurisdiction (if applicable), as the headings largely follow the structure of Part III of the TRIPS Agreement regarding the enforcement of IP rights.
* The contribution should be **between 18,000 and 28,000 words** (45 - 70 pages).
* Authors are requested to maintain uniformity and consistency in the text (especially if a contribution is written by different authors) and to strictly adhere to the **style guidelines** below.
* You are encouraged to include sufficient references to legislation, case law, important doctrine and legal articles, etc. Authors must include full and accurate referencing for primary and secondary sources, including statistics. Please do not include charts, images or diagrams in your text.
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* Footnote referencing should be done using the ‘Oxford University Standard for Citation of Legal Authorities’ (**OSCOLA**). You can find a quick reference guide [here](https://www.law.ox.ac.uk/sites/files/oxlaw/oscola_4th_edn_hart_2012quickreferenceguide.pdf).
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* abbreviations: the first use should include the full term with abbreviation between brackets (Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); Intellectual Property (IP));
* specific spelling:
  + Article (text) or Art. (footnote) (not article or art.)
  + right holder (not rights holder or rightsholder)
  + Member State (not member state or MS)
  + intellectual property or IP (not ip or Intellectual Property);
* References:
  + to articles in statutory law: in footnote (not between brackets in text)
  + to jurisprudence: in footnote and case title in *cursive* if mentionedin text (*Promusicae* judgment)
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*[Please provide a factual non-commercial overview of the firm and its IP practice group(s). The firm description should be written in the third person (the firm, it, its) and* ***should not exceed 250 words****.]*

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## COUNTRY: [INSERT]

This chapter was written subject to the law stated as of [DATE].

### 1. Introduction

*[Brief introduction/overview on the particularities of your country regarding IP Rights and IP Enforcement. For example, this is the chapter where you can mention whether there is a lot of counterfeit production, imports or exports in your jurisdiction, whether there is a solid IP enforcement framework in place, whether there is a close cooperation with other countries or authorities, whether IP enforcement is tied to the political landscape, whether there are important institutional problems that complicate IP protection and enforcement (such as corruption), how IP is treated as a concept in your jurisdiction, what the relevant market trends and investment climate look like, etc. Discuss any important recent developments regarding IP enforcement in your jurisdiction.]*

### 2. General

#### Legislation on IP enforcement

##### International regulations, treaties and conventions

*[Explain important international (or supranational) treaties and/or conventions related to the enforcement**of intellectual property rights that your country is a party to. Notably, TRIPs, EU Directive on the Enforcement of IP Rights, Uniform Patent Court Agreement, NAFTA, etc.]*

##### Primary and secondary law

*[Explain important national legislation (primary and secondary) regarding the* ***enforcement*** *of trademarks, models and designs, copyrights, related rights, patents, SPCs, industrial designs, topography designs, plant varieties, software, databases, geographical indications, or other recognised IP rights. Clarify whether your country has a horizontal enforcement regime for all IP rights or a vertical regime with specific enforcement rules for different types of IP, or a combination of both.]*

##### Important case law

*[Explain important case law regarding the enforcement**of intellectual property rights. Case law described under this section should be limited to landmark cases with important precedential value for* ***IP enforcement****.]*

#### Jurisdiction and competence

##### Competence of local courts

*[Describe the possible venues available in your country (local, regional, federal, etc.) for the enforcement of intellectual property rights, including civil courts, administrative bodies, criminal courts, intellectual property offices, etc.*

*Explain any specific competences of certain courts or whether there are specialised IP courts in your country. Describe the competences of the courts in IP enforcement measures in relation to international jurisdiction, territorial jurisdiction and/or subject matter (different IP rights) jurisdiction. Describe any further requirements for jurisdiction (such as the domicile or registered office of the defendant or the occurrence of the harmful event in your country).]*

##### Appellate review

*[Describe whether and on what grounds preliminary measures and judgments in IP cases may be appealed before an appellate body and how this appeal mechanism is organised. Specify whether there is a supreme court competent to scrutinize decisions of appellate bodies.]*

##### Position towards cross-border decisions

*[Provide information on whether and how foreign decisions in relation to IP infringements are recognised and enforceable in your country. Explain situations where a foreign judgement would not be recognised/enforceable. Describe the necessary steps/formalities (if any) that are necessary for a foreign judgment to be recognised in your country. Describe whether the courts in your country are prepared to order cross-border decisions and on what terms.]*

### 3. Civil and administrative IP enforcement

#### Persons entitled to apply for IP enforcement measures and remedies

##### Right holders

*[For the different IP rights, explain who qualifies as an IP right holder in your country and on what conditions. Describe how these right holders can apply for IP enforcement measures, procedures and remedies.]*

##### Licensees

*[Explain whether a licensee may apply for IP enforcement measures, procedures and remedies and on what conditions. Specify whether a license must be (formally) registered for the licensee to have enforcement options and whether exclusive and non-exclusive licenses are given different rights in respect of IP enforcement.]*

##### Other eligible parties

*[Explain whether and on what conditions there are any other entities which may apply for IP enforcement measures, procedures and remedies apart from the right holders and licensees. This may include entities with a sufficient legitimate interest or a (formal) empowerment by the IP right holder. Examples include distributors, editors, publishers, collective rights-management bodies, professional defence bodies, etc.]*

#### Targeted infringements and defences

##### Primary infringers

*[For the different IP rights, explain what constitutes as an infringing activity and who is consequently regarded as an infringer. Describe how the primary liability for IP infringement is evaluated in your country. Describe whether the law differentiates between different kinds of primary infringers, such as on the basis of natural or legal person. Explain whether a secondary infringer (that is not an intermediary) can be held liable on the basis of contributory liability.]*

##### Intermediaries

*[Explain whether and on what bases a physical or online intermediary can be held liable for IP infringement. For example, because a primary infringer uses the intermediary service to infringe upon an IP right. Describe what measures can be taken against intermediaries for IP infringements on their platform or through their services and if there are any limitations (safe havens) to this secondary liability.]*

##### Liability threshold

*[Explain the threshold for primary or secondary liability for IP infringement in your country. Describe whether liability is dependent on a subjective element of fault (or the scale or knowledge of the infringement) or whether there is an objective liability standard for all IP infringements. Describe the possibilities for a natural person (e.g. a director or employee) to be held personally liable for an infringement made by a legal entity). Explain the thresholds for criminal liability for IP infringements.]*

##### Available defences

*[Explain the typical defences available to (alleged) primary and secondary IP infringers in your country, such as good faith, invalidity of right, non-infringement, exceptions, experimental use, non-commercial use, prior use, statutes of limitation, compulsory or FRAND licenses, acquiescence, abuse of rights, etc.]*

#### Evidence

##### Presumptions

*[Describe whether there are any presumptions of ownership or infringement of an IP right in your country and how these presumptions are evaluated and rebutted.]*

##### Production and discovery

*[Explain the process, obligations and conditions to obtain the relevant evidence of infringement of an IP right under the control of the infringer or an intermediary (production order / discovery). Give an overview on your jurisdiction’s approach to discovery/disclosure in general and specifically in relation to IP infringements (in accordance with article 43 TRIPS). Discuss whether there are any specific requirements or processes for electronically stored evidence (ESI) and whether parties can be obligated to produce samples or financial/commercial documents.]*

##### Opposing party’s obligation to cooperate and produce evidence

*[Discuss the consequences of refusing to provide (access to) the necessary evidence or impede disclosure/discovery proceedings, such as the court’s ability to make preliminary or final determinations or inferences, to issue fines or other sanctions.]*

##### Importance and value of experts

*[Discuss the conditions and practice of court or party appointed experts in IP infringement proceedings in your jurisdiction. Explain the use and importance of expert (witness) evidence (including samples and test purchases) and whether and to what extent courts are required to follow or take account of expert reports.]*

##### Witness evidence

*[Explain the possibilities and procedure for the courts to hear the parties and/or witnesses in IP infringement proceedings. Describe how witnesses are selected and how witness hearings take place. Specify whether cross-examinations, depositions, etc. are available in your jurisdiction and on which conditions. Describe potential measures to protect witnesses' identity.]*

#### Provisional measures for documenting and preserving evidence

*[Explain which provisional measures are available in your jurisdiction to preserve evidence of IP infringements, such as submissions and inspections, expert descriptions (below), seizures and conservatory attachments (below) to avoid that an infringer, having obtained knowledge of the (impending) litigation, destroys, conceals or disposes of evidence relating to the infringing activity. Describe the conditions to obtain these measures (such as proportionality and prima facie infringement) and whether these measures can be obtained inaudita altera parte (ex parte) (without alerting the alleged infringer). See article 50 TRIPS.]*

##### Detailed description

*[Explain the procedure, requirements, (ex parte) evaluation, outcome, etc. of description measures available to document proof of infringement. Describe what ‘reasonably available evidence’ an IP right holder must show in order to obtain descriptive measures.]*

##### Physical seizure

*[Explain the procedure, requirements, (ex parte) evaluation, outcome, etc. of seizure (attachment) measures available to preserve proof of infringement and avoid that evidence is destroyed, concealed or disposed of. Describe what ‘reasonably available evidence’ an IP right holder must show in order to obtain seizure (attachment) measures.]*

##### Safeguards and defences

*[Explain the safeguards and defences available to defendants that are the target of (ex parte) provisional measures to document and preserve evidence. For example, a sufficient (pre-emptive) notice, a review and right to be heard, a possibility to contest in (third-party) proceedings, the possibility and requirements to obtain the modification, revocation or confirmation of the measures, the possibility to demand the lodging of a security, an ex post claim for compensation for injury caused by the measures, a time limit to initiate court proceedings after the measures, etc.]*

##### Schutzschrift

*[Explain whether and under what requirements it is possible to file a schutzschrift (protective letter) with the court as a proactive defence against ex parte measures. Explain if there are alternatives to such a Schutzschrift.]*

#### Injunctions and other precautionary measures

##### Interlocutory injunction

*[Explain the option to order injunctions preventing imminent infringements or prohibiting the continuation of an alleged infringement*. *Describe the requirements and procedure to obtain such an injunction (for example proof of validity, imminent infringement of the right and urgency) and what the consequences of such an injunction are. See article 44 TRIPS.]*

##### Blocking injunctions against intermediaries

*[Explain the possibility, procedure, conditions and consequences related to provisional measures aimed at ‘blocking’ the further provision of services by an (online) intermediary (such as the blocking of a website, online platform, domain name, or other service of an intermediary. Explain whether there is a specific protection regime for intermediaries (for example, to limit liability).]*

##### *Ex parte* injunctions

*[Explain if injunctions can be obtained ex parte and on what conditions (for example, extreme urgency). Describe the consequences and the scope of ex parte injunctions and the safeguards and defences available to targeted parties.]*

##### Injunctions in proceedings on the merits

*[Explain the option to obtain an order for the cessation of the infringement when the competent judge has established an IP infringement in proceedings on the merits. Describe the requirements and procedure to obtain such an injunction.]*

##### Specific preliminary measures

##### Recurring penalty payment

*[Explain if and on what conditions a judge can make its decision subject to a recurring penalty payment. Notably, subject to the failure to comply with the principal injunction*. *Describe the limits and safeguards associated with recurring penalty payments.*]

##### Lodging of guarantees

*[Explain the possibility for a judge to allow for the continuation of the allegedly infringing activity subject to the condition that the defendant lodges a certain guarantee/payment.]*

##### Preventing entry into the channels of commerce and seizure

*[Explain the possibility for a judge to order as a preliminary measure that the alleged infringing goods or associated documents and materials are prevented from entering the channels of commerce or seized (conservatory attachment). Explain the conditions for and consequences of ordering such a preliminary measure.]*

##### Blocking of bank accounts and other assets

*[Explain the possibility for a judge to order as a preliminary measure that the alleged infringer’s bank accounts or other assets are blocked. Explain the conditions for and consequences of ordering such a preliminary measure.]*

##### Safeguards and defences

*[Explain the safeguards and defences available to defendants that are the target of (ex parte) injunctions. For example, a sufficient (pre-emptive) notice, a possibility to contest in (third-party) proceedings, the requirement to obtain a decision on the merits within a reasonable time after notification of the measures, the modification, revocation or confirmation of the measures, the possibility to demand the lodging of a security, an ex post claim for compensation for injury caused by the measures, a time limit to initiate court proceedings on the merits after the measures, etc.]*

#### Damages

1. **Adequate compensation**

*[Explain the conditions for obtaining damages for an IP infringement (such as fault, damage and causal link). Explain what constitute ‘damages adequate to compensate for the injury suffered’ in your jurisdiction. See article 45 TRIPS.]*

1. **Quantification of damages**

*[Explain which aspects the court will consider to assess and quantify the damages (such as the negative economic consequences which the injured party has suffered (including lost profits), any unfair profits made by the infringer and/or elements other than economic factors, such as the moral prejudice caused to the holder of the IP right by the infringement).]*

1. **Alternative and punitive damages**

*[Explain any other special rules for the quantification of damages in IP infringements, such as setting the damages as a lump sum on the basis of elements such as at least the amount of royalties or fees which would have been due if the infringer had requested authorisation to use the IP right in question. Explain whether your jurisdiction allows for punitive damages or damages which allow for more compensation than the actual prejudice suffered (restitutio in integrum), such as doubling the hypothetical royalty.]*

1. **Requirement of bad faith**

*[Explain whether damages are dependent on an objective or subjective liability regime. Explain whether damages are also awarded when an infringer has not knowingly, or with reasonable grounds to know, engaged in infringing activity.]*

1. **Preliminary damages**

*[Explain the possibility to obtain damages in preliminary or expedited proceedings, or if damages can only be obtained following proceedings on the merits.]*

1. **Other measures of compensation**

*[Explain whether your jurisdiction provides for alternative measures of compensation, such as the transfer of the ownership of the infringing goods* *and materials used, the transfer of all or part of the profits resulting from the infringement, the confiscation and forfeiture to the claimant of the infringing goods and materials used, etc.]*

1. **Recovery of expenses and legal costs**

*[Explain the possibility, procedure, conditions and evaluation for recovering expenses and legal costs in IP infringement proceedings. Describe the application of the* ‘loser pays’ principle in your jurisdiction. *Explain if and how the external costs of monitoring, investigation and enforcement are compensated when an IP infringement has been established. Explain the recovery of expert fees and lawyer fees. Describe if the judge can deviate from the ‘loser pays’ principle by, for example, splitting costs on the basis of equity.]*

#### Other remedies

##### Corrective measures

*[Explain the corrective remedies available (outside the payment of damages) as a result of a decision on the merits establishing IP infringement. For example, the (expedited) decision to order the cessation of the infringing activity.]*

##### Recall, Removal from the channels of commerce and destruction

*[Explain the possibility, conditions, procedure and consequences for the judicial authorities to order that goods that they have found to be infringing (and materials and implements used) be disposed of outside the channels of commerce or destroyed. Explain how the courts take account of the principle of proportionality between the seriousness of the infringement and the remedies ordered and interests of third parties when ordering such measures. See article 46 TRIPS.]*

##### Declaratory judgments

*[Explain the possibility, conditions, procedure and consequences for the judicial authorities to conclusively rule on and affirm the rights, duties, or obligations of one or more parties in order to resolve legal uncertainty.]*

#### Right of information

1. **Concept and requirements**

*[Explain the conditions and procedure for a competent judge to order the infringer to inform the right holder of the identity of third persons involved in the production and distribution of the infringing goods or services and of their channels of distribution. Explain if a judge can order this information to be provided ex officio or only at the request of the right holder. Explain if other parties than the right holder can exercise the right of information and on what grounds. See article 47 TRIPS.]*

1. **Information that can be obtained**

*[Discuss what information can be obtained by exercising the right of information, such as Information on the origin and the distribution network, (ii) the names and addresses of producers, manufacturers, distributors, suppliers, previous holders, wholesalers and retailers, (iii) information on quantities produced, manufactured, delivered, received, ordered, (iv) pricing information, etc.]*

##### Confidential information and personal data

*[Explain the measures available to protect confidential or proprietary information in light of the right of information. Discuss the safeguards and conditions for providing confidential information. Explain how the personal data of natural persons is protected in light of the right of information.]*

##### Misuse of information

*[Explain whether there are limits to the use of this information and what constitutes misuse of information obtained through exercising the right of information. Elaborate on the consequences of and sanctions for the misuse of information.]*

#### Alternative measures

##### Measures in cases of unintentional action and without negligence

*[Discuss the measures available in case an infringer acted in good faith (unintentional and without negligence), such as alternative pecuniary damages instead of corrective measures.]*

##### Publicity measures

*[Explain the publicity measures available in your jurisdiction, such as the possibility to demand that a decision or a summary will be publicly posted, inside as well as outside the facilities of the infringer, during a certain period, or that the decision or the summary will be published in newspapers or in any other manner. Explain whether these measures are ordered at the expense of the infringer or if the IP right holder (or both) must pay the costs for publication.]*

##### Other alternative measures

*[Discuss any other alternative measures available in your jurisdiction for (alleged) IP infringement that have not been discussed above.]*

#### Abuse and indemnification of the Defendant

*[Explain the possibility for a party wrongfully enjoined or restrained to obtain adequate compensation for the injury suffered from the party at whose request measures were taken in the context of IP infringement measures or proceedings. Discuss what constitutes ‘abuse’ of enforcement procedures. See article 48 TRIPS.]*

#### Administrative procedures

*[Explain the available administrative procedures (apart from customs procedures) in the context of IP enforcement, such as procedures for the enforcement of domain names, trade secrets, etc. See article 49 TRIPS.]*

#### Industry self-regulation

*[Explain important industry initiatives and self-regulation for IP protection and enforcement in your jurisdiction, such as the development by trade or professional organisations of codes of conduct.]*

### 4. Criminal IP Procedures

#### Criminal IP infringements

*[Explain the criminal procedures in place for the infringement of an IP right, such as counterfeiting. Describe the criminal liability regime in your country, such as the requirement of a wilful/intentional infringement on a commercial scale. Explain whether attempting, aiding, abetting or inciting such criminal IP infringement is also considered a criminal offense. See article 61 TRIPS.]*

#### Criminal investigations

*[Explain the process of investigating IP infringements and the competent authorities conducting such investigation. Explain the possibility of ‘join’ investigations, where the IP right holders ,their representatives and experts are allowed to assist in the investigation. Describe any alternative measures and procedures available to authorities in the context of criminal investigations for IP infringement, such as a proactive cease and desist notice.]*

#### Penalties

*[Explain the nature and level (minima and maxima) of the penalties applicable to the different kind of IP infringements, such as imprisonment of natural persons and/or monetary fines. Describe any differences in penalties for legal persons in comparison to natural persons. Elaborate on possible liability risks of natural persons (employees or directors) for IP infringements committed by a legal entity. Explain any additional or alternative sanctions for criminal IP infringements, such as forfeiture, transfer of ownership or destruction of infringing goods, destruction, ban on further commercial activities, closure of establishments, judicial supervision, publication, etc.]*

#### Intervention and compensation of the civil party

*[Explain the conditions and procedures for a relevant IP right holder to intervene in criminal proceedings for the infringement of its IP right and claim damages or alternative compensation.]*

#### Initiative of IP right holder

*[Explain the possibility and conditions for an IP right holder to file a complaint, accusation or report, or otherwise start a criminal investigation at its own initiative.]*

### 5. IP Enforcement through Arbitration and ADR

#### General

*[Explain the possibilities to protect and enforce IP through alternative dispute resolution, notably arbitration, as an alternative to court proceedings. Describe the general (dis)advantages of arbitration and ADR to enforce IP in contrast to court proceedings.]*

#### Arbitrability

*[Explain which (aspects of) IP rights and IP disputes are eligible to be brought before and decided by an arbitration or ADR panel (such as the subject, modalities and obligations of an IP contract, or the validity of an IP right). Describe any limitations to enforcing IP rights before an arbitration or ADR panel in terms of arbitrability.]*

#### Possible measures and remedies in arbitration and ADR

*[Explain the measures and remedies that can be ordered by an arbitration or ADR panel in IP disputes (for example with regard to the production of evidence, the preservation and description of evidence, injunctions, declaration of invalidation, transfer, right of information, recurring penalty payment, etc.)]*

#### Enforceability

*[Explain the procedure and conditions for a domestic or foreign arbitration award to be enforceable in your jurisdiction. Explain the possibilities to challenge the enforceability of an award or to obtain the nullification of the award.]*

### 6. Customs and Border Measures

#### Suspension of release or detention by Customs Authorities

*[Explain the measures available in your jurisdiction that involve the suspension of the release and/or the detention of goods suspected of infringing an intellectual property right by a customs authority. Describe which authorities are competent to perform such measures. Describe the procedure for obtaining such a suspension or detention and the associated fees/costs. Explain which IP rights are covered by these measures. Explain what the threshold for the measures is (e.g. a prima facie infringement of the relevant IP right) and how this is evaluated. See article 51 TRIPS.]*

#### Application of border measures

*[Describe how an IP right holder (or other entitled entity) can apply for the suspension or detention by customs authorities of counterfeit goods protected by IP rights. Explain who is entitled to submit such an application, which authority processes the application and what information is required (details on the applicant, IP rights, specific and technical data on the authentic goods, etc.). Elaborate on the process for evaluating an application and whether a decision denying an application can be challenged or an application can be amended/rectified. See article 52 TRIPS.]*

#### Security or Equivalent Assurance

*[Explain the possibility for the competent customs authorities to* *require an applicant to provide a security or equivalent assurance sufficient to protect the defendant and the competent authorities and to prevent abuse. See article 53 TRIPS.]*

#### Notice of suspension or detention

*[Describe the obligation of the customs authority to notify the application and the importer of the suspension of the release or the detention of the goods suspecting of infringing an IP right. Describe any other notification obligations by the customs authority. See article 54 TRIPS.]*

#### Duration of suspension or detention

*[Describe the period during which customs authorities are to take action following the granting of the application. Explain the duration of suspension and detention by customs authorities for goods suspected of infringing an IP right. Describe the obligation, process and consequences (such as release) for a right holder to initiate infringement proceedings leading to a decision of the merits and whether the detention period can be extended and on what conditions. See article 55 TRIPS.]*

#### Indemnification of the importer and of the owner of the goods

*[Explain any available measures and remedies to indemnify the importer, consignee and the owner of the suspended or detained goods* *for any injury caused to them through the wrongful detention of goods. Describe any other penalties for non-compliance with the relevant obligation by IP rights holders. See article 56 TRIPS.]*

#### Right of inspection and information

*[Explain the conditions and procedure for inspecting the detained goods in order to substantiate/verify the IP right holder’s or the importer’s claims. Explain the conditions and procedure for the IP right holder to obtain the names and addresses of the consignor, the importer and the consignee and of the quantity of the goods in question. Describe the practice of taking representative samples of the goods* *for the purposes of analysis and to facilitate the subsequent procedure in relation to counterfeit and pirated goods. See article 57 TRIPS.]*

#### Data Protection

*[Explain the measures and safeguards in place to protect confidential information and personal data of individuals in suspension and detention procedures, notable with regard to the right of inspection and information. Describe the permitted use of specific information by the IP right holder (for example, to initiate proceedings on the merits, to initiate or in connection with a criminal investigation, to facilitate settlement discussions, etc.).]*

#### Ex officio action

*[Explain the possibility and conditions for a competent customs authority to act upon its own initiative and suspend or detain the goods ex officio without the prior application of the IP right holder. See article 58 TRIPS.]*

#### Destruction or disposal of goods

*[Explain, if applicable, the procedure for (obtaining) the destruction or disposal – under customs control – of goods suspected of infringing an IP right. Describe the conditions for obtaining such a destruction and the safeguards in place to prevent unlawful destruction. Describe which goods are eligible for destruction. Explain the consequences of a challenge or review proceeding initiated by the owner (or importer) of the goods. See article 59 TRIPS.]*

#### *De minimis* imports and other exceptions

*[Explain any exceptions to the above anti-counterfeiting customs measures, such as the import of small quantities of goods of a non-commercial nature contained in travellers’ personal luggage or sent in small consignments. See article 60 TRIPS.]*