

WIPO Regional Workshop Building Respect for IPRs

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Kyiv, Ukraine
19 October 2016**

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Topic 10
recent developments in judicial remedies

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conventional remedies

- damages
- injunctions – interim and final
- declarations
- delivery-up / destruction
- litigation costs
- information about trade channels
- speedy trials / summary relief

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more advanced remedies

- pre-action disclosure
 - against a prospective Df
 - to seek information about a prospective Df
- search and seizure
- freezing assets
- confiscation of assets
- preserving confidential information

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other causes of action

- health and safety – especially for pharmaceutical / medicinal products, but also car parts and the like
- labelling and misleading advertising
 - consumer protection
- fraud and money laundering, tax avoidance
- employment laws
- environmental and property issues

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trans-shipment

- customs and border controls
- goods legal in country of origin and country of destination, but not legal in transit country
 - free trade zones

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preparatory acts

- labels, tags, dust covers
- printing dies, computer files
- dedicated machinery

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blocking injunctions

- *Cartier v BSB* [2016] EWCA Civ 658
 - the ISP injuncted to block a site infringing trade marks
 - ISP bears the costs of implementing the order

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intermediaries

■ Case C-484/14 *McFadden*

- mere intermediary service provider not liable
- but may be enjoined or to impose a password to prevent future infringement
- cannot be forced to monitor the traffic

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trading premises

- relief against landlords who rent premises to vendors selling pirated or counterfeit goods without the necessary licences
- Case C-494/15 *Tommy Hilfiger*: injunction against the landlord to stop leasing to TM infringers

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■ MA (Natural Sciences) (Cantab), DPhil (Biophysics) (Oxon).

■ All areas of intellectual property law and practice, in particular trade marks, copyright and designs, and patents. Mainly appellate work or problems.

■ Appeared before the General Court and Court of Justice of the European Union (Luxembourg), and in the European Patent Office (Legal and Technical Boards of Appeal and Opposition Division) (Munich). Acted for the UK Comptroller-General of Patents, the UK Registrar of Trade Marks, the UK government and AIPPI UK Group.

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