**Guideline for Country Reports and Presentations**

1. In order to foster rich and instructive exchange, one participant from each country is requested **to prepare a country repor**t (one report per country), **responding to below questionnaire** on the state of intellectual property (IP) enforcement in their home country from the perspective of the judiciary.

The country report should cover copyright and related rights, trademarks, industrial designs and patents, and, where applicable, cite relevant legal provisions.

1. In addition, one participant from each country will be invited, to make **a short oral presentation of maximum 10 minutes**, on November 3 under Topic 3 (“Country Reports – Roundtable Discussion”), on (i) the applicable national legal framework pertaining to the enforcement of IP rights (*i.e*., not the whole legislation on IP, but only the relevant legal provisions on the enforcement of IP rights), (ii) the available routes for IP infringement (questions 1 and 2 of the Questionnaire hereunder), and (iii) the practical challenges in the judicial enforcement of IP rights (question 17 of the Questionnaire hereunder). PowerPoint will preferably be used for the presentations.
2. The country reports, and PowerPoint presentations if any, will be used **solely for the purposes of the Workshop and will be shared with all participants and speakers to the Workshop** (with the exception of the speakers representing right holders, to whom these documents will not be communicated)**, unless requested otherwise by the submitting participants. They will not be made otherwise publicly available.** They will also provide the background for the discussions, questions and answers relating to the topics of the program of the Workshop.
3. Please submit your country report and your PowerPoint presentation **to WIPO by October 25, 2016, by e-mail to enforcement@wipo.int**. In order to facilitate the discussion, the country report and presentation should be in English. Any queries in relation to the country reports and/or presentations may be addressed to Mr. Xavier Vermandele, Senior Legal Counsellor, Building Respect for IP Division (by email at xavier.vermandele@wipo.int or by telephone at +41 22 338 72 66) or Mr. Samer Al Tarawneh, Legal Officer, Building Respect for IP Division (by email at samer.altarawneh@wipo.int or by telephone at +41 22 338 99 85).

***Questionnaire***

**Available Routes for IP Infringement – Civil, Criminal and Administrative Courts**

1. Which courts have jurisdiction over infringement of IP rights? Are there specialized IP courts or a specialized IP judiciary? Please describe the hierarchy of courts, for purposes of appeals, with regard to IP infringement cases.
2. What is the average period that elapses between the commencement of proceedings on the merits of a case and the delivery of the judgment or decision of the court?

**Civil Procedure and Remedies**

(Ref. TRIPS Agreement, Articles 42 – 49) *Evidence*

1. What are frequently encountered evidentiary hurdles? Can the courts, upon the request of a party, compel the opposing party to produce evidence that is in the control of that party? Do the procedures include the means to identify and protect confidential information?
2. What action may be taken against a party who impedes IP enforcement procedures?

*Injunctions*

1. Can the court, by injunction, order a party to desist from infringement? What remedies exist in cases where a party refuses to comply with such a court order?

*Damages*

1. Please describe the basis for the calculation of damages.

*Disposal and Destruction*

1. Can the court, without compensation of any sort, order the destruction of infringing goods or order their disposal outside the channels of commerce?

*Right of Information*

1. Can the court order an infringer to disclose the identity of third persons involved in the production and distribution of infringing goods or services and their channels of distribution? If yes, under what circumstances?

*Indemnification of the Defendant*

1. Can the court order the party at whose request measures have been taken or who has abused enforcement procedures, to pay compensation for any injury suffered by the party wrongfully enjoined or wrongfully restrained?

**Provisional Measures**

(Ref. TRIPS Agreement, Article 50)

1. Describe the types of provisional measures that courts may order in IP cases. What are the main features (including the applicable time limits) of the procedure for requesting, obtaining and maintaining the provisional measures?
2. Can the court issue provisional orders *inaudita altera parte* (*ex parte*), that is to say, without having heard the defendant? If yes, under what circumstances or conditions?
3. Are provisional measures subject to review?

**Criminal Procedure**

(Ref. TRIPS Agreement, Article 61)

1. In respect of which types of infringement of which IP rights are criminal procedures and penalties available? Specify, by type of infringement, the penalties and other remedies that may be imposed. What public interest consideration must be taken into account when determining a sentence?
2. Which public authorities are responsible for initiating criminal proceedings? Are they required to do this on their own initiative and/or in response to complaints?
3. Is there non IP-specific legislation that is frequently invoked in IP infringement cases? If so, which?

**IP Enforcement in the Digital Environment**

1. Are there specific procedures available to address IP infringement in the digital environment?

**Challenges**

1. Please describe, based on your experience, the main challenges for members of the judiciary in deciding IP cases.