

INTA DESIGNS COMMITTEE

DESIGN ENFORCEMENT SUBCOMMITTEE

October 1, 2020

Multi-jurisdictional Survey on Design Remedies

INTA is currently developing a position on the harmonization of design remedies. In order to develop recommendations, it is important to understand what the different systems have in common and what sets them apart in terms of available remedies. To understand the various design remedies applicable in different jurisdictions, the following survey was conducted and completed by members of the INTA Designs Committee.

The survey was launched and first developed by the 2018-2019 Designs Committee - International Design Harmonization Subcommittee and completed by the 2020-2021 Designs Committee - Design Enforcement Subcommittee. The surveyed jurisdictions - Australia, Brazil, Canada, China, EU (Germany), Japan, Korea, UK and

| Q20 | Q21 | Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | OTHER SANCTIONS OR RELIEF (Questions 24 to 28) | | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 | Q26 |
|--|---|--|---|---|--|---|---|---|---|--|---|--|---|---|-------|-----|
| Is there a fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees? | Can the winning party recover costs for its own time spent (whether in addition to or instead of attorney fees)? | Can both damages and costs (including attorney fees) be recovered? If so, are they calculated separately? | Other comments about LEGAL COSTS | Are sanctions or relief other than injunctions and financial remedies available for registered designs? | Destruction of infringing products? | Delivery up of infringing products to the design owner or seizure of infringing products? | Seizure of materials and implements predominantly used in order to manufacture the infringing goods? | Disclosure of information regarding the infringing goods? | Publicity order? | Border control/customs enforcement | Criminal penalties – imprisonment? | Criminal penalties – fines? | Any other sanctions or relief? | Other comments about OTHER SANCTIONS OR RELIEF | | |
| No, there is generally no "cap" monetary sum for recoverable legal costs for the successful party. However, this is subject to the Rules and the scale of costs. Please note, it is possible for Courts to limit the costs that a successful party can recover ("cost capping orders"). The limit will usually be set when proceedings commence. | No, there are no provisions for the recovery of a party's costs for its own time spent. | Yes, damages and costs (including attorney fees) may be recovered. The question of damages and legal costs awarded by the Court are calculated separately. Thus, attorney costs are awarded separately from damages OR an account of profits. | No. | Yes, the courts have a wide discretion in making orders. | Yes, the destruction of infringing products is subject to the discretion of the Court, as the power is not mandatory, and so the order, if any, may be tailored to the circumstances of the individual case. The usual order is for their destruction on oath by the infringer or delivery up on oath for destruction by the design owner. Geodesic Constructors Pty Ltd v Gaston (1976) 16 SASR 453. In the event the articles are to be destroyed by the IP owner, they are usually permitted to attend to verify. | Yes, delivery up of infringing products to the design owner or seizure of infringing products is subject to the discretion of the Court. There is no special provision for delivery up in the Act. However, the Courts have an inherent equitable power to order delivery up of infringing goods. It is see: GEDESIC Constructors Pty Ltd v Gaston (1976) 16 SASR 453. | Yes, it is possible that a person, who owns or controls a mould that is intended for the use in the manufacture of an infringing product, be ordered to deliver the moulds to the design owner once infringement has been established or deliver up for destruction. | Yes, information as to the infringing goods would usually be provided in discovery or by way of a notice to produce. | Although not a publicity order, court orders are generally published and in addition the Court can order publication of apologies and corrective advertising (eg. 1246 of the Australian Consumer Law). These are not referred to in Australia as "Publicity orders" but may have the same effect. For unconscionable conduct or unfair practices in contravention of the Australian Consumer Law, "where publicity orders" are available (1247 of the Australian Consumer Law). However, those circumstances would be incidental to design infringement. | Australian Border control/Customs Enforcement, provisions are only available under the Australian Trade Marks Act and Copyright Act. They are not available under the Designs Act. As such, registered designs cannot be the basis of a customs seizure notice. | Australian courts have the power to punish individuals by way of fine or imprisonment if they commit a contempt by continuing to infringe intellectual property rights in contravention of court orders. | Yes, criminal penalties (fines) are available for a party falsely representing that a design is registered. s 132 of the Act. | No other sanctions or relief. However, it may be possible to pursue relief, which is not in relation to design infringement, but for related claims of trademark infringement (3D/shape trade marks), contravention of Australian Consumer Law for misleading and deceptive conduct or passing off. | There are provisions under the Act that prohibit the design owner from making unjustified threats of commencing design infringement proceedings. If an unjustified threat is made, the alleged infringer can commence proceedings seeking a declaration that threats are unjustified, an injunction against the continuation of the threats and the recovery of any damages sustained as a result of the threats. s 77(1) of the Act. | | |
| Yes, there is a fixed maximum sum that can be recovered in respect of attorney's fees - up to 20% of the value of the case. As such, Attorney's fees may not exceed 20% of the value of the commission, the economic benefit obtained if it is not possible to measure it, if the value attributed to the case. | No, Recovery costs for the time spent cannot be claimed in the same lawsuit. However, it is possible the winning party files a second lawsuit requesting the reimbursement of such costs - which may or may not be granted by a judge. Nonetheless, it is possible to request that the losing party pays other expenses besides attorney fees in the same lawsuit. The Brazilian Code of Civil Procedure explicitly mentions the following recoverable expenses: costs of pleadings, compensation for travel expenses, the compensation of the retained expert and the travel allowance of witnesses. | Yes, the damages and costs can be recovered and are calculated separately. | Foreign plaintiffs that have not appointed a representative in Brazil are required to post a bond, calculated at the discretion of the District Court, at the outset of the suit in order to secure the payment of court costs and other expenses to the defendant in case the plaintiff eventually loses the case, unless the Brazilian subsidiary joins the litigation as a co-plaintiff. | Yes, sanctions or relief other than injunctions and financial remedies are available for registered designs. | Yes, by the law, after the final decision, there is a possibility to destroy the infringing products. | Yes, the judge may, in the specific case, order the seizure of infringing products, including as an interim injunction. | Yes, although there is no specific provision in the Brazilian Industrial Property Law, the Brazilian Code of Civil Procedure allows for the judges to have discretion as far as preliminary orders are concerned. Article 297 provides: "A judge may order the measures deemed necessary in order to enforce a provisional remedy." Therefore, if the materials and implements are predominantly used to manufacture the goods, the judge is allowed to issue such order. | Yes, there may be disclosure of the material seized if the case is not under legal confidentiality. | Yes, although there is no specific provision in the Brazilian Industrial Property Law, the Brazilian Code of Civil Procedure allows for the judges to have discretion as far as preliminary orders are concerned. Article 297 provides: "A judge may order the measures deemed necessary in order to enforce a provisional remedy." Therefore, judges have leeway to issue orders requested by the parties and publicity orders are available. | No, there is no border control/customs enforcement for lack of a specific provision concerning infringing registered designs under the Brazilian Customs Regulation. However, there is a provision forbidding parallel importation of trademarked goods. As design products are usually branded, it is possible to take measures against parallel importation of those designs via their trademark protection. | Yes, there is the provision of imprisonment or payment of fines as a punishment for crimes against intellectual property. | Yes, if the defendant is convicted for the crime of infringing a registered design, he will have to either pay a fine or be imprisoned. | No, there are no other penalties provided by law. | N/A | | |
| No, fixed maximum sum that can be recovered in respect of legal costs/attorney fees. However, it is unlikely a party would be awarded costs in excess of its total disbursements and legal fees incurred. | While not explicitly barred, and award of costs for time spent by the party itself are unlikely unless the party is self-represented, in which case the self-represented litigant may be entitled to costs for fees falling under a tariff. | Yes, damages (or profits) and costs (including attorney's fees) are both available to successful litigants and are calculated as separate monetary awards. | No | Yes, Note that the Court is granted broad discretionary powers to "make such orders as the circumstances require". As such, while some of the remedies listed below are not explicitly permitted under the Industrial Design Act, it may be open to the Plaintiff to argue that such remedies are required by the specific circumstances in their case. Section 15.1 Industrial Design Act. "In any proceedings under section 15, the court may make such orders as the circumstances require, including orders for relief by way of injunction and the recovery of damages or profits, for positive damages, and for the disposal of any infringing article or its." | Yes, Industrial Design Act, RSC 1985, c 19, s. 15.1. | Yes, delivery up of infringing products is implicitly available as an alternative to the destruction of the infringing products. Finally v Ottawa Furnace & Foundry Co (1902) 7 Ex 338 (EC). | The court's discretionary power is wide such that this order is likely available but may be difficult to test to meet No statutory authority or case law precedent. | No statutory authority or case law precedent as to disclosure of information regarding the infringing goods as a sanction. However, during the course of litigation, such information may be sought by way of documentary and oral discovery principles the Defendant is required to disclose all information relevant to an infringement action. | No statutory authority or case law precedent as to a publicity order. | No statutory authority or case law precedent. However, if there are overlapping intellectual property rights, assistance from the Canada Border Services Agency. | No criminal penalties as to imprisonment or payment of fines as a punishment for crimes against intellectual property. | No criminal penalties as to fines or imprisonment or case law precedent. | The Court may grant the Plaintiff a declaration that the Defendant has infringed their rights. | N/A | | |
| No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees. However, it is unlikely a party would be awarded costs in excess of its total disbursements and legal fees incurred. | So far, the court has not support recovery of cost for the time spent by the winning party itself (and in practice the litigant may be entitled to costs for time spent in design infringement lawsuits). | Yes, damages and costs can be recovered and are calculated separately. Rule 22, Several Provisions of the Supreme People's Court on Issues concerning the Application of Law in the Trial of Cases on Patent Disputes (2015 Amendment) Although the damages and costs may be calculated separately, in practice many courts will award discretionary monetary compensation which include both damages and costs, and do not distinguish them specifically. | In practice some design patentees do not request recovery of legal costs, and consequently the court will not order the infringer to recover the right owner's some design patentees raise this claim but do not provide relevant evidence or full evidence, and as a consequence I cannot request the court to award "reasonable" legal costs. | Yes, the sanctions may also include eliminating ill effects (such as the infringer making a public clarification/declaration) in accordance with Article 179 of the Patent Law, which will be replaced by Article 179 of Civil Code from 1 January 2021. | Yes, destroying the infringing products can be required as a specific measure for ceasing infringement. | If infringing products are seized by the court or by other means (for example customs detention), they are not subject to the patentee's request that such goods be destroyed after the court finds infringement. | Yes, the court has discretion for such order as a part of ceasing the infringement. | No, China does not grant the patentee the "information right"; the patentee may obtain such information only through litigation/settlement with the infringer. | No, publicity orders are not available as a sanction. | The design patentee can request the customs to seize the infringing products for the recorded design patents. China's customs may intercept allegedly design infringing products for import or export only upon application of the patentee, and the patentee is expected to produce patent novelty search report and a positive material evaluation report to prove the design is a trade. | No, criminal penalties (imprisonment) is not a sanction in China for design infringement. Patent infringement is not regarded as a crime in China. | No, criminal penalties (fines) are not available. | No, there are no other penalties provided by law. | The infringer may also be subject to a claim for recall or final removal of the infringing products from the distribution channels as long as it is not disproportionate to the individual case. | | |
| No, fixed sum that can be recovered in respect of legal costs/attorney fees but the maximum sum will always depend on the amount in dispute, which varies as a cap. | No, the winning party cannot recover costs for its own time spent, unless the winning party is an attorney and representing itself. | Yes, both damages and costs can be recovered and they are calculated separately. In particular, damages can be recovered as part of a claim in main proceedings, while legal fees are recoverable in cost award proceedings subsequent to the main proceedings. | N/A | Yes, sanctions or relief other than injunctions and financial remedies are available for registered designs. | Yes, relief as to destruction of infringing products is available. | Yes, delivery up of infringing products to the design owner or seizure of infringing products is available. | Yes, seizure of materials and implements predominantly used in order to manufacture the infringing goods is available. | Yes, the disclosure of information regarding the infringing goods is available. | Yes, a publicity order is available. | Yes, border control/customs enforcement is available. | Yes, criminal penalties – imprisonment is available. | Yes, criminal penalties (fines) are available. | N/A | | | |
| No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees. | No, the winning party cannot recover costs for its own time spent. | Yes, both damages and costs can be recovered and they are calculated separately. Only 10% of monetary damages can be recovered. | N/A | Yes, sanctions or relief other than injunctions and financial remedies are available for registered designs. | Yes, relief as to destruction of infringing products is available. Japanese Design Act § 37 (2) "In making demand under the preceding paragraph, the holder of a design right or an exclusive licensee may demand measures necessary for the prevention of such infringement including the disposal of products constituting such act of infringement (including Computer Program, etc. (refer to Computer Program, etc. as provided in Article 2 of the Patent Act); the same shall apply for the following Article); the same shall apply hereinafter) and the removal of facilities used for the act of infringement." | Yes, seizure of materials and implements predominantly used in order to manufacture the infringing goods is available. Japanese Design Act § 37 (2) "In making demand under the preceding paragraph, the holder of a design right or an exclusive licensee may demand measures necessary for the prevention of such infringement including the disposal of products constituting such act of infringement (including Computer Program, etc. (refer to Computer Program, etc. as provided in Article 2 of the Patent Act); the same shall apply for the following Article); the same shall apply hereinafter) and the removal of facilities used for the act of infringement." | Yes, the disclosure of information regarding the infringing goods is not available. | Yes, border control/customs enforcement is available. A right holder may file an application for suspension before the Customs. According to the customs' statistics, the number of successful enforcement of design rights before Customs was 304 cases in 2017. Also, the Customs reported that they suspended 115,597 items because of design infringement in 2018. | Yes, criminal penalties (imprisonment) is not available. | Yes, criminal penalties (fines) are available. Imprisonment (10 years or less) or fines (JPY 10 million or less) can be imposed (Article 69, Design Act). | Japanese Design Act § 69 "An infringer of a design right or exclusive licensee (including one who has committed any acts which are deemed to constitute infringement of a design right or an exclusive licensee under Article 30) shall be punished by imprisonment with work for a term not exceeding 10 years or a fine not exceeding 10,000,000 yen or combination thereof." | Japanese Design Act § 74 (3) regulates "Prohibition of false marking" (1) putting a mark of design registration or a mark confusing therewith on an article which is not the article to the registered design and is not the article to a design similar to the registered design, or the package thereof, (2) assigning, leasing or displaying for purposes of assignment or lease an article which is not the article to the registered design and is not the article to a design similar to the registered design, or putting a mark of design registration or a mark confusing therewith on the article or package thereof" or (3) "Going in an advertisement an indication to the effect that the article, which is not the article to the registered design and is not the article to a design similar to the registered design, is related to the registered design, or an indication confusing with the indication for the purpose of having the article manufactured or used, or assigning or leasing the article." | Japanese Design Act § 74 (2) regulates that the criminal penalty is imposed not only on individuals but also on the company. "Where a representative of a juridical person or an agent, employee or other worker of a juridical person or an individual has committed the act of performing the act duties for the juridical person or individual, any act in violation prescribed in the following items, in addition to the offender, the juridical person shall be punished by a fine as provided in the corresponding item and the individual shall be punished by a fine as provided in the article prescribed in the corresponding item." | | | |
| No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees. | No, the winning party cannot recover costs for its own time spent. | Yes, both damages and costs can be recovered and they are calculated separately. | N/A | Yes, sanctions or relief other than injunctions and financial remedies are available for registered designs. | Yes, relief as to destruction of infringing products is available. See Article 228 of DESIGN PROTECTION ACT. Article 228 (Constitution, etc.) (1) Any article made by conduct that constitutes the infringement provided for in Article 200 (1) or any article obtained by such infringement shall be confiscated or ordered to be delivered to the injured party upon the injured party's request. (2) If an injured party accepts an article Paragraph (1), he/she may seek the destruction of infringing articles, the removal of facilities provided for infringement, and other actions necessary for the prevention of infringement. | Yes, seizure of materials and implements predominantly used in order to manufacture the infringing goods is available. DPA § 238 (2) In case of a criminal act, any article made by conduct that constitutes infringement or any article obtained by such infringement shall be confiscated or ordered to be delivered to the injured party upon the injured party's request. | Yes, the disclosure of information regarding the infringing goods is not available. | Yes, a publicity order is available. See Article 117 (Restoration of Reputation of Design Right Holders, etc.) (1) The request of a design right holder or an exclusive licensee, the court may order a person who degrades the business reputation of the design right holder or exclusive licensee by infringing the design right or exclusive licensee by intention or negligence, to take necessary measures to restore the business reputation of the owner or exclusive licensee in lieu of damages or in addition thereto. | Yes, criminal penalties – imprisonment is available. A person who has infringed a registered design right is subject to imprisonment of up to seven (7) years. | See Article 232 Design Protection Act. Article 220 (Infringements)(1) Any person who infringes a design right or an exclusive licensee shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 100 million won. (2) A corporation for a crime. | Yes, criminal penalties (fines) are available. Such penalties are determined in separate, criminal, proceedings. | Yes, criminal penalties (fines) are available. Such penalties are determined in separate, criminal, proceedings. | A design right owner may file a petition before the Korea Trade Commission (KTC) to seek remedies against the export/import of infringing products. | | | |
| No, there is no fixed (maximum) sum generally that can be recovered in respect of legal costs/attorney fees. However, but there is a cap on recoverable legal costs in one particular forum (if the Intellectual Property Enterprise Court). A successful party to the specialist Intellectual Property Enterprise Court will be subject an overall costs recovery cap of £50,000. | No, the winning party generally cannot recover costs for its own time spent. However, depending on the circumstances (if it can be shown that the costs incurred arose outside the normal duties of the people concerned they might be recoverable. An in-house legal team, who runs a case themselves but is represented at the trial hearing by external counsel will not recover its own costs, only those of the external counsel). | Yes, both damages and costs can be recovered and they are calculated separately. | N/A | Yes, sanctions or relief other than injunctions and financial remedies are available for registered designs. | Yes, relief as to destruction of infringing products is available. | Yes, delivery up of infringing products to the design owner or seizure of infringing products is available. | Yes, seizure of materials and implements predominantly used in order to manufacture the infringing goods is available. | Not typically, although this could be revealed through documentary disclosure at an interim stage. It is typical in UK litigation, however, that a disclosed document is used only for the purposes of the ongoing proceedings. | Yes, a publicity order is available. | No, border control/customs enforcement is not available. | Yes, criminal penalties – imprisonment is available. | No, criminal penalties (fines) are not available. | N/A | | | |
| No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees. | No, the winning party cannot recover costs for its own time spent. | Yes, both damages and costs can be recovered and they are calculated separately. | N/A | No, sanctions or relief other than injunctions and financial remedies are not available for registered designs. | No, relief as to destruction of infringing products is not available. | No, delivery up of infringing products to the design owner or seizure of infringing products is not available. | No, seizure of materials and implements predominantly used in order to manufacture the infringing goods is not available. | No, disclosure of information regarding the infringing goods is not available. | No, a publicity order is not available. | No, border control/customs enforcement is not available. | No, criminal penalties – imprisonment is not available. | No, criminal penalties (fines) are not available. | No. | N/A | | |

| Contact Info | | PERMANENT INJUNCTIONS | | | | INTERIM INJUNCTIONS | | | | |
|--------------|------------------|--|--|--|--|--|--|--|--|--|
| Country | Name | Q1 | Q2 | Q3 | Q4 | Q5 | Q6 | Q7 | Q8 | Q9 |
| AU01 | Simon Kneebone | AU01 Q1 | AU01 Q2 | AU01 Q3 | AU01 Q4 | AU01 Q5 | AU01 Q6 | AU01 Q7 | AU01 Q8 | AU01 Q9 |
| AU02 | Ed Gennocio | AU02 Q1 | AU02 Q2 | AU02 Q3 | AU02 Q4 | AU02 Q5 | AU02 Q6 | AU02 Q7 | AU02 Q8 | AU02 Q9 |
| BR03 | Saulo Calazans | BR03 Q1 | BR03 Q2 | BR03 Q3 | BR03 Q4 | BR03 Q5 | BR03 Q6 | BR03 Q7 | BR03 Q8 | BR03 Q9 |
| BR04 | Gabriel Di Blasi | BR04 Q1 | BR04 Q2 | BR04 Q3 | BR04 Q4 | BR04 Q5 | BR04 Q6 | BR04 Q7 | BR04 Q8 | BR04 Q9 |
| CA05 | Kohji Suzuki | CA05 Q1 | CA05 Q2 | CA05 Q3 | CA05 Q4 | CA05 Q5 | CA05 Q6 | CA05 Q7 | CA05 Q8 | CA05 Q9 |
| CA06 | James Longwell | CA06 Q1 | CA06 Q2 | CA06 Q3 | CA06 Q4 | CA06 Q5 | CA06 Q6 | CA06 Q7 | CA06 Q8 | CA06 Q9 |
| CN07 | Shuhua Zhang | CN07 Q1 | CN07 Q2 | CN07 Q3 | CN07 Q4 | CN07 Q5 | CN07 Q6 | CN07 Q7 | CN07 Q8 | CN07 Q9 |
| CN08 | Lili Wu | CN08 Q1 | CN08 Q2 | CN08 Q3 | CN08 Q4 | CN08 Q5 | CN08 Q6 | CN08 Q7 | CN08 Q8 | CN08 Q9 |
| EU09 | Bogatz / Bennett | EU09 Q1 | EU09 Q2 | EU09 Q3 | EU09 Q4 | EU09 Q5 | EU09 Q6 | EU09 Q7 | EU09 Q8 | EU09 Q9 |
| EU10 | D Young | EU10 Q1 | EU10 Q2 | EU10 Q3 | EU10 Q4 | EU10 Q5 | EU10 Q6 | EU10 Q7 | EU10 Q8 | EU10 Q9 |
| JP11 | Toyotaka Abe | JP11 Q1 | JP11 Q2 | JP11 Q3 | JP11 Q4 | JP11 Q5 | JP11 Q6 | JP11 Q7 | JP11 Q8 | JP11 Q9 |
| JP12 | Hiroko Suzuki | JP12 Q1 | JP12 Q2 | JP12 Q3 | JP12 Q4 | JP12 Q5 | JP12 Q6 | JP12 Q7 | JP12 Q8 | JP12 Q9 |
| KR13 | Ben Beyong-Ho | KR13 Q1 | KR13 Q2 | KR13 Q3 | KR13 Q4 | KR13 Q5 | KR13 Q6 | KR13 Q7 | KR13 Q8 | KR13 Q9 |
| KR14 | Hyun-Joo Hong | KR14 Q1 | KR14 Q2 | KR14 Q3 | KR14 Q4 | KR14 Q5 | KR14 Q6 | KR14 Q7 | KR14 Q8 | KR14 Q9 |
| UK15 | Sara Ashby | UK15 Q1 | UK15 Q2 | UK15 Q3 | UK15 Q4 | UK15 Q5 | UK15 Q6 | UK15 Q7 | UK15 Q8 | UK15 Q9 |
| UK16 | Jana Bogatz | UK16 Q1 | UK16 Q2 | UK16 Q3 | UK16 Q4 | UK16 Q5 | UK16 Q6 | UK16 Q7 | UK16 Q8 | UK16 Q9 |
| US17 | Durkin / Verret | US17 Q1 | US17 Q2 | US17 Q3 | US17 Q4 | US17 Q5 | US17 Q6 | US17 Q7 | US17 Q8 | US17 Q9 |

| Q# | Question Text |
|----|---|
| Q1 | Are permanent injunctions available? |
| Q2 | What are the requirements for obtaining a permanent injunction? (For example, are there requirements for establishing a finding of infringement?) |

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| Q3 | Are permanent injunctions regularly granted (for example, are they the 'norm' following a finding of infringement) or is it difficult to obtain a permanent injunction? If you have access to any statistics, please share them |
| Q4 | Other comments about PERMANENT injunctions: If there is something important we should know about your jurisdiction's approach to PERMANENT injunctions which the above questions 1 to 3 have not revealed, please tell us here: |
| Q5 | Are interim (interlocutory) injunctions available? In what circumstances? Are any conditions imposed on the right holder (for example: obligation to compensate the alleged infringer if infringement is not established, or to provide security against the alleged infringer's loss, e.g. in the form of a bond) |
| Q6 | Are interim/interlocutory injunctions regularly granted or is it difficult to obtain an interlocutory injunction? |
| Q7 | Other comments about INTERIM injunctions: If there is something important we should know about your approach to INTERIM injunctions the above questions 5 and 6 have not revealed, please tell us here: |
| Q8 | Can a design right holder claim compensatory damages caused by an infringing act? If so, how are they calculated? |
| Q9 | Are there any circumstances in which damages might be increased (e.g. punitive/enhanced damages) or reduced (e.g. for wilful infringement)? If so, how are those increased damages calculated? |
| Q10 | Can a design right holder claim restitution for infringer's profits? If so, how are they calculated? |
| Q11 | Are there any 'defences' available which have a direct impact on financial remedies (e.g. 'innocent infringement')? If so, please explain. |
| Q12 | Can a design right holder claim other types of damages not already covered by the above questions (e.g. for reputational damage or reputation/image)? If so, how are they calculated? |
| Q13 | Can any of the categories of damages/profits (under 8 to 12 above) be cumulative? Or are they only an alternative? |
| Q14 | Is there any cap to all or some of the financial remedies available, for example total monetary value of damages? |
| Q15 | Other comments about FINANCIAL remedies: If there is something important we should know about your approach to FINANCIAL remedies the above questions 8 to 14 have not revealed, please tell us here: |
| Q16 | Can the winning party recover some or all of its legal costs (including attorney fees and/or court fees) from the losing party? |
| Q17 | What are the conditions for recovery of legal costs/attorney fees? |

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| Q18 | How is the amount of recoverable legal costs/attorney fees calculated? |
| Q19 | Does the calculation of recoverable legal costs/attorney fees include a test of proportionality or reasonableness? |
| Q20 | Is there a fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees? |
| Q21 | Can the winning party recover costs for its own time spent (whether in addition to or instead of attorney fees)? |
| Q22 | Can both damages and costs (including attorney fees) be recovered? If so, are they calculated separately? |
| Q23 | Other comments about LEGAL COSTS: If there is something important we should know about your jurisdiction's approach to LEGAL COSTS the above questions 16 to 22 have not revealed, please tell us here: |
| Q24 | Are sanctions or relief other than injunctions and financial remedies available for registered designs? If so, please indicate 'yes' or 'no' in answer to this question. (We will ask you to provide details in response to questions 25.1 to 25.8.) |
| Q25.1 | Destruction of infringing products? |
| Q25.2 | Delivery up of infringing products to the design owner or seizure of infringing products? |
| Q25.3 | Seizure of materials and implements predominantly used in order to manufacture the infringing goods? |
| Q25.4 | Disclosure of information regarding the infringing goods (such as: origin of goods, channels of trade, identity of persons involved in the supply and distribution of the infringing goods)? |
| Q25.5 | Publicity order? (e.g. a requirement for an infringer to give a public statement confirming that there has been no infringement, or to publish the court judgment on its website, or a requirement for a design owner to give a public statement confirming that the alleged infringer's goods do not infringe.) |
| Q25.6 | Border control/customs enforcement |
| Q25.7 | Criminal penalties – imprisonment? |
| Q25.8 | Criminal penalties – fines? |

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| Q25.9 | Any other sanctions or relief? |
| Q26 | Other comments about OTHER SANCTIONS OR RELIEF: If there is something important we should know about jurisdiction's approach to OTHER SANCTIONS OR RELIEF (other than injunctive or financial relief) that the answers to questions 24 and 25 have not revealed, please tell us here: |

| FINANCIAL REMEDIES | | | | | | LEGAL COSTS (Attorney Fees and Court Fees) | | | | | |
|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--|----------------------|----------------------|----------------------|----------------------|----------------------|
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| AU02 | AU02 | AU02 | AU02 | AU02 | AU02 | AU02 | AU02 | AU02 | AU02 | AU02 | AU02 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| BR03 | BR03 | BR03 | BR03 | BR03 | BR03 | BR03 | BR03 | BR03 | BR03 | BR03 | BR03 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| BR04 | BR04 | BR04 | BR04 | BR04 | BR04 | BR04 | BR04 | BR04 | BR04 | BR04 | BR04 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| CA05 | CA05 | CA05 | CA05 | CA05 | CA05 | CA05 | CA05 | CA05 | CA05 | CA05 | CA05 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| CA06 | CA06 | CA06 | CA06 | CA06 | CA06 | CA06 | CA06 | CA06 | CA06 | CA06 | CA06 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| CN07 | CN07 | CN07 | CN07 | CN07 | CN07 | CN07 | CN07 | CN07 | CN07 | CN07 | CN07 |
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| CN08 | CN08 | CN08 | CN08 | CN08 | CN08 | CN08 | CN08 | CN08 | CN08 | CN08 | CN08 |
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| JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 |
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| KR13 | KR13 | KR13 | KR13 | KR13 | KR13 | KR13 | KR13 | KR13 | KR13 | KR13 | KR13 |
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| KR14 | KR14 | KR14 | KR14 | KR14 | KR14 | KR14 | KR14 | KR14 | KR14 | KR14 | KR14 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 |
| Q10 | Q11 | Q12 | Q13 | Q14 | Q15 | Q16 | Q17 | Q18 | Q19 | Q20 | Q21 |
| US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 |
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| AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 | AU01 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
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| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
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| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
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| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
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| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
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| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
| EU10 | EU10 | EU10 | EU10 | EU10 | EU10 | EU10 | EU10 | EU10 | EU10 | EU10 | EU10 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
| JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 | JP11 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
| JP12 | JP12 | JP12 | JP12 | JP12 | JP12 | JP12 | JP12 | JP12 | JP12 | JP12 | JP12 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
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| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
| UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 | UK15 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
| UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 | UK16 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |
| US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 | US17 |
| Q22 | Q23 | Q24 | Q25.1 | Q25.2 | Q25.3 | Q25.4 | Q25.5 | Q25.6 | Q25.7 | Q25.8 | Q25.9 |

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