## **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

Country #	Q1	Q2  What are the requirements for obtaining a permanent injunction?	PERMANENT INJUNCTIONS (Questions 1 to 4)  Q3  Are permanent injunctions regularly granted? Or is it difficult to obtain a permanent injunction?	Q4 in Other comments about PERMANENT injunctions:	INTERIM INJUNCTIONS (Questions 5  Q5  Are interim (interlocutory) injunctions available? In what circumstances? Are any conditions imposed on the design right holder?	to 7)  Q6  Are interim/interlocutory injunctions regularly granted or is it difficult to obtain an interlocutory injunction?  Other comments about INTERIM injunctions:	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? If so, in what circumstances? If so, how are those increased damages calculated?
AU 1	Yes. If an interlocutory injunction is granted (a temporary remedy to maintain the status quo until the larger legal issues can be heard by the Court) it will generally become permanent if the applicant is successful in the larger infringement claim when this is decided by the court to prever the defendant from engaging in further infringing conduct: s 75(1)(a) Designs Act 2003 (Cth) (the Act).	there are no definitive rules that govern the discretion of the Courts in granting such relief, other than the requirement that the power be exercised judicially. The Court will grant relief based on the merits of the case. Generally, a permanent injunction may be ordered in circumstances where the IP owner is able to demonstrate infringement and that there is a real risk that the infringing party will continue to engage in	restrained the infringing party from further engaging in the infringing	The scope of the injunctive relief will be dictated by what the Court deems appropriate. Generally, the injunction will simply restrain the infringement of the IP owner's rights in relation to the infringing conduct. However, the Court will consider, among other factors, the flagrancy of the conduct in question and whether it is necessary to broaden the scope	Yes, the Court has the power to order an interim injunction. The principal purpose of an interlocutory injunction is to preserve the status quo between the parties pending a final trial. Where an interim injunction is sought, there are three requirements that will need to be satisfied. These are: 1. there is a serious issue to be tried as to the applicant's (plaintiff's) entitlement to relief; 2. the applicant is likely to suffer loss for which damages will not be an adequate remedy; and 3. the balance of convenience favors the granting of the interlocutory injunction. A serious issue to be tried requires the Courts to be satisfied that the applicant made of a prima facie case and that it has sufficient likelihood of success at the final trial. The inadequacy of damages as a remedy is to be treated separately from the balance of convenience. Essentially, this is irreparable harm suffered by the applicant if the Court does not intervene to grant an interlocutory injunction. The Courts will compare the injury that the applicant will suffer by the refusal of the interim injunction and the injury to the respondent if the interim injunction is granted. As a precondition to an interim injunction being granted, the Court will require from the applicant an undertaking to the Court to pay damages to any person adversely affected by the interim injunction (not just the respondent) if it is ultimately unsuccessful in securing a permanent injunction at final trial. If the party seeking the interim injunction is an overseas entity that does not have sufficient assets in Australia, the Court will require that the amount for the undertakings as to damages be paid to the Court as security. This is in addition to any security for costs.	Interim injunctions are often sought in litigation proceedings. However, the mere fact that they are sought and granted or refused, should not be taken as indicative of whether interim injunctions are difficult or easy to obtain. Each interim injunction application will be determined on a case-by-case basis and subject to the discretion of the Courts. However, the prerequirements for an interlocutory injunction assessment can be	Yes, an IP owner may elect compensation in the form of damages or an account of profits: s 75(1)(b) of the Act. Generally, the issue of infringement will be heard and determined by the Court before any issue of quantum. If infringement is established and compensatory damages are awarded, it is common for the issue of compensation to be negotiated between the parties. Otherwise, this will be a matter for the Court to determine in a second stage of the proceedings. Unlike injunctive relief or an account of profits, an award of damages is not discretionary: having established a claim of design infringement, the applicant is entitled to have damages assessed. In calculating damages for design infringement, there are a number of ways the Court may assess such damages. These include: 1. Loss of sales, where the Court would assess the profits that the applicant would have made if it made sales of its products instead of the infringing goods. However, the Courts will often apply a discount to reflect that not all sales made by the infringers would otherwise have been made by the design owner; 2. The diminution in value of the registered design or damage to reputation. This form of damages reflects the diminution in value of the design itself and in part to reflect the adverse effect on the design owner's reputation resulting from its loss of exclusivity; or 3. A notional licence fee for the infringing product embodying the design. The relevant period of time for the calculation of damages commences from the date that the offending conduct occurred.	Yes, the Courts have the discretion to award additional damages having regard to, amongst other factors, the flagrancy of the conduct: s 75(3) of the Act. To satisfy the flagrancy requirement, the infringing party must have deliberately engaged in conduct that constituted design infringement with knowledge that it was subject to a design registration. Mere negligent copying of a design is insufficient to warrant a reward of additional damages: Review Australia Pty Ltd v Innovative Lifestyle Investments Pty Ltd (2008) 166 FCR 358. In calculating additional damages, the Court will consider a wide range of factors. These includes, not only the flagrancy of the contravening conduct, but also: 1. the lack of cooperation on the part of infringing party; and 2. whether the infringing party continued use of the registered design. There are no governing laws that specify the exact percentage or amount to be awarded for additional damages. The primary purpose of additional damages is to deter further infringements and punish cases of flagrant infringement rather than compensation and restitution.
BR 2	Yes. Upon a finding of infringement, a permanent injunction (if requested by plaintiff) is the typical remedy, in addition to damages.	•	As a rule, permanent injunctions are regularly granted in cases that th plaintiff is able to provide unmistakable proof of infringement of the registered design	e e	Yes, interlocutory injunctions are available. There are four requirements to obtain interlocutory injunctions must be fulfilled, as stated in article 300 of the Brazilian Code of Civil Procedure: (i)the unequivocal proof of the right stated by the plaintiff; (ii) the likelihood of his allegations prevailing in court; (iii) likelihood of irreparable or difficult to repair damage; and (iv) the damage to the defendant caused by effecting the interim injunction is not irreparable or difficult to repair. Whether or not a bond must be posted is at the discretion of the District Court. It should be added that the Superior Court of Justice has established that, in order to get an interim injunction, the plaintiff must have already submitted its design registration to a substantive examination of novelty and originality requirements by the Brazilian Patent and Trademark Office - BPTO. It should be clarified that if the design right holder does not actively request the substantive examination to the BPTO, the registration will be granted only based on formal examination. Alternative possibilities of obtaining interim injunctions occur when the plaintiff can establish that the defendant is presenting defences and objections in an abusive way or in cases that the defendant is trying to delay the proceedings.	infringement cases, because most industrial design registrations only undergo examination for formal requirements (and not	Yes, in the civil sphere, a design holder can claim both design infringement and unfair competition for the same set of facts, as the IP Law considers it an unfair competition practice to use fraudulent means to attract, for one's own or another person's benefit, a third-party interested, such as costumers. In addition, the aggrieved party is entitled to compensation for the losses and damages resulting from the violation of industrial property rights and unfair competition acts that are not provided for in the IP Law. (Article 209, Brazilian Industrial Property Law) It is common and frequent in court proceedings of intellectual property infringement that the infringing party is ordered to pay damages arising from the infringement in addition to compensation for lost profits, based on the articles 208 and 210 of the Brazilian Industrial Property Law. Damages arising from the infringement are calculated on the benefits that the plaintiff would have gained if the infringement had not occurred. Loss of profit are calculated based on the criterion that is most favorable to the plaintiff, from the following three: (i) the benefits that the plaintiff would have gained if the infringement had not occurred; (ii) gains that the defendant amassed from the infringement; (iii) reasonable royalties.	There is no specific legal provision for punitive damages. However, it is possible to request a moral damage with punitive and educational nature. Wilful disregard of the defendant to an injunctive order will likely be punished with monetary fine that is ultimately paid to the plaintiff.
CA 3	Yes – s. 15.1 of the 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 ar the recovery of damages or profits, for punitive damages, and for the disposal of any infringing article or kit."	the particular case. There are no requirements beyond the finding of infringement to warrant a permanent injunction. Industrial Design Act, RSC 1985, c I-9, ss. 15.1, 17(1); Findlay v Ottawa Furnace & Foundry Co (1902), 7 Ex CR 338 (Ex Ct); Cimon Ltd v Bench Made Furniture Corp. [1965] 1 Ex CR 811	Permanent injunctions are generally available to the Plaintiff upon establishing infringement. However, this form of remedy remains at the court's discretion and defendants can point to equitable defenses (e.g. laches, acquiescence to the infringement, unclean hands) to convince the court that a permanent injunction is inappropriate. The decision is based on a case-by-case assessment of the facts. Permanent injunctions will be refused following a finding of infringement in only very rare circumstances. Valence Technology Inc. v. Phostech Lithium Inc., 2011 FC 174, aff'd in 2011 FCA 237.			test, namely irreparable harm, can be quite difficult to establish, particularly in the context of patent litigation (or analogously in industrial design litigation). The term "irreparable" refers to the nature of the harm itself, as opposed to the magnitude, and is harm that cannot be quantified in monetary terms or which cannot be cured, for example, because one party cannot collect damages from the other. Evidence of irreparable harm must be clear and non-speculative. Imperial Chemical Industries PLC v Apotex Inc (1989) 27 CPR (3d) 345 at 351 (FCA); Centre Ice Ltd v National Hockey League (1994), 53 CPR (3d) 34 at 46 (FCA).	Yes, damages are expressly available under the Industrial Design Act. Industrial Design Act, RSC 1985, c I-9, s. 15.1. 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 punitive damages, and for the disposal of any infringing article or kit. Canadian case law establishes two mutually exclusive measures of damages, namely the loss of the plaintiff's profits or a reasonable royalty. Damages on the basis of the plaintiff's lost profits are commonly	Yes, punitive damages are expressly available under s. 15.1 of the Industrial Design Act. However, they are only awarded in Canada in exceptional circumstances, namely for high-handed, malicious, arbitrary, or highly reprehensible conduct that departs to a marked degree from ordinary standards of behaviour. Eurocopter v Bell Helicopter Textron Canada Limitée, 2013 FCA 219 at para 163; Industrial Design Act, RSC 1985, c I-9, ss. 15.1. For example, such damages may be awarded where a defendant wilfully disregards and injunction or continues activities after a finding of infringement. Deliberate appropriation of intellectual property by itself is typically insufficient for entitlement to punitive damages, although it may be awarded where compensatory damages or an accounting of profits would be inadequate to achieve the objectives of retribution, deterrence and denunciation of conduct where an infringer knows an intellectual property right to be valid, appropriates the embodiment of that right as its own, and markets that embodiment as its own knowing this to be untrue. Dimplex North America Ltd v CFM Corp, 2006 FC 586 at para 132; Eurocopter, supra at para 193.  The purpose of punitive damages is to deter the defendant and other from similar misconduct in the future and to mark the community's collective condemnation of what happened. The quantum of punitive damages will be assessed in an amount reasonably proportionate to factors such as: the harm caused, the degree of the misconduct, the relative vulnerability of the plaintiff and any advantage or profit gained by the defendant. Whiten v Pilot Insurance Co, 2002 SCC 18
CN 4	People's Court (SPC) on Several Issues concerning the Application of Law in the Trial of Patent Infringement Dispute Cases (2016) ("Interpretation (II)") "Where the defendant constitutes an infringement upon the patent, and the patentee requests to order the defendant to cease the infringing act, the people's court shall give support thereto" Therefore, permanent injunctions are almost automatically granted once	unless in exceptional circumstances, the court shall award permanent injunction. The exception is found in Article 26 of Judicial Interpretation 2016(1): Article 26 If the defendant constitutes infringement of the patent right, the people's	Guangzhou airport, Guangzhou, 2004) where courts deem permanent injunctions are not appropriate because of public interests.	more at technical patents and this provision is rarely invoked.	Yes – plaintiff must show (1) likely to succeed on the merits; (2) likely to suffer irreparable harm in the absence of preliminary relief; (3) balance the hardship between plaintiff and the alleged infringer; (4) that the injunction does not hurt the public interest, (5) that the bond is postedRules 7 and 11, Regulations regarding preliminary injunction, SPC (2001). In case that the patent in issue is invalided or if the infringement is not established, the alleged infringer can ask the court to order the design right holder to pay for the compensationsRule 16, Regulations regarding preliminary injunction, SPC (2001). Article 7 of Judicial Interpretation 2018 (21) lists the factors. Because design patents have not gone through substantive examination in China, in applying for interlocutory injunction plaintiff must submit a novelty search report, or official "patent evaluation report", and invalidation decision (if any). The court shall request the design right owner to deposit a security in the form or bond or other property before granting the interlocutory injunction. If infringement is not established, the design right owner i expected to compensate the alleged infringer for the mistaken legal measures.	Provisions of the Supreme People's Court on Several issues understand the comparison. In addition, proving the bad	Court )(2017) Jingminzhong 206.  If the actual loss is difficult to determine, it may be determined according to the interests gained by the infringer due to the infringement. If it is	In most of the patent infringement lawsuits in China, the courts awards "statutory damages" because it is very difficult to prove the patentee's loss or the infringer's profits. In awarding statutory damages, the infringing circumstances such as bad faith of the infringer will be the important factor to consider. China's second draft Patent Law amendment in July 2020 also proposed to provide the punitive damages up to five times based on the proved damages for serious wilful infringement, and we believe this proposal will be most likely passed by the National People's Congress finally.
EU(DE) 5	Yes.	·	Yes, permanent injunctions are the norm in case of a finding of infringement.	The defendant can file an action to oppose enforcement pursuant to Sec. 767 of the German Code of Civil Procedure (Zivilprozessordnung – ZPO) if the design right has ceased to exist, e.g. has expired, was not renewed or declared invalid. Furthermoer, the possibility for an EU wide injunction is applicable in Germany. EU registered design:  i. If the defendant is domiciled or has an establishment in an EU member state, then bringing an action in that state gives rise to the possibility of an EU wide injunction;  ii. If the defendant is not domiciled nor has an establishment in an EU member state and the claimant is domiciled or has an establishment in an EU member state of the claimant gives rise to the possibility of an EU wide injunction;  iii. If neither the claimant nor the defendant is domiciled nor has an establishment in an EU member state, then bringing an action in Spain gives rise to the possibility of an EU wide injunction.  Otherwise an action can be brought in any EU member state where an act of infringement has occurred for an injunction in respect of that state alone.	enforcement of the interim injunction, should the interim decision be overturned in main proceedings. German courts even grant exparte interim injunctions	This varies in the EU member states. While it seems to be difficult in the UK, interim injunctions are regularly granted (even ex parte) in Germany if the requisite requirements are fulfilled.  anticipated interim injunction. Furthermore, the court may hear the other party during the proceedings and even order an oral hearing. However, this is rather unusual. More commonly there will not be an oral hearing unless the defendant files an opposition (form of appeal) against the	Yes, whereby the damages can be assessed on the basis of the following alternatively – not cumulatively – applicable calculation methods: compensation for the loss of profit, determination of the so-called infringer's profit and the so-called license analogy. The design right holder can decide, which calculation they would like to rely on for recovery of damages. However, most commonly the right holder will rely on the license analogy method as this is usually easiest to calculate.	No, there ist not. But the IP Enforcement Directive (implemented nationally as the Intellectual Property (Enforcement, etc) Regulations 2006/1028) is also applicable in Germany. Under the IP Enforcement Directive the courts can take into account all appropriate aspects when calculating damages, including negative economic consequences, unfair profits made by the infringer and, in appropriate cases, 'other non-economic elements', including moral prejudice caused. There is no set calculation for any of these heads of damage, although the starting position of the court is typically to consider whether compensatory damages have sufficiently addressed the remedy requested.
JP 6	design right or an exclusive licensee may demand of a person who infringes or is likely to infringe	or "Against Anti-Monopoly law". In Japan, there is no court policies or laws like "eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388 (2006)" in the United States. Japan has a concept of	Yes. In Japan, permanent injunctions are regularly granted. But if the enforcement is "Abuse of right" or "Against Anti-Monopoly law", permanent injunctions might be rejected. However, in Japan, there are no court cases in which permanent injunction was rejected even thoug infringement was found before the court.		Yes. The temporary (preliminary) injunctions (=interim (interlocutory) injunctions) require the additional requirement "the necessity to preserve it" as well as prim facie proof for infringement. According to past Court cases, this additional requirement is admitted when there are circumstances of urgent necessity; for example the holder is selling competing products and remedies of damages are too late and insufficient. Yes. Preliminary injunction is available in Japan. Japanese courts grant a preliminary injunction only when it determines that provisional remedies are needed, given certain considerations including a balancing of hardships. Plaintiff needs to provide security in the form of a bond.	difficulty to obtain an interlocutory injunction and the	Yes. A design right holder can claim compensatory damages under Article 709, Civil Code. The Design Act has provisions for presuming the amount of damages suffered by the design right holder and is able to calculate the amount of damages based on these provisions as follows (Article 39, Design Act).  Japanese Design Act § 39: Damages sufficient to compensate for the infringement, but in no event less than "the amount of damages sustained" (assumed royalty). "Article 39 (1) Where a holder of design right or an exclusive licensee claims against an infringer compensation for damages sustained as a result of the intentional or negligent infringement of the design right or exclusive license, and the infringer assigned articles that composed the act of infringement, the amount of damages sustained by the holder of such design right or the exclusive licensee may be presumed to be the amount of profit per each unit of article which would have been sold by the holder of the design right or the exclusive licensee if there had been no such act of infringement, multiplied by the quantity (hereinafter referred to in this paragraph as the "assigned quantity" of articles) assigned by the infringer, the maximum of which shall be the amount attainable by the holder of the design right or the exclusive licensee in light of the capability of the holder of the design right or the exclusive licensee would have been unable to sell the assigned quantity in whole or in part, the amount calculated as the number of articles not able to be sold due to such circumstances shall be deducted." "(2) Where a holder of design right or an exclusive licensee claims against an infringer compensation for damages sustained as a result of the intentional or negligent infringement of the design right or exclusive licensee, and the infringer compensation for damages sustained as a result of the intentional or negligent infringement of the design right or exclusive licensee may claim against an infringer compensation for damages sustained as a result of	No. In Japan, there are no articles regulating punitive damages. However, please note that, as stated above, when calculating "the amount of damages sustained" (assumed royalty), the amount of damages shall be more than the amount which is negotiated before the lawsuit. (JP High Court (Grand Panel) June 7, 2019, 2018 (Ne) 10063) Though this case is a patent infringement case, it can be adopted to a design infringement case.
KR 7	owner of a design right or an exclusive licensee may file a claim for injunction or prevention of	design right is valid; (2) the identical/similarity of the registered design and the infringing design, and (3) the	based on a case-by-case assessment. Determination is made based on	Since 2016, jurisdiction over civil design infringement cases at the first instance level have been consolidated into five district courts (i.e., Seoul Central, Daejeon, Daegu, Busan and Gwangju). However, any design infringement case may be brought before the Seoul Central District Court, regardless of the venue. Appeals of district court design infringement cases are heard by the Patent Court (which is a special court set up to hear IP-related matters).	Yes, If there is urgency and irreparable harm (and if the infringement is proven), the plaintiff can file a preliminary injunction ('PI") action. A PI action is an independent action, not part of another action. It is not uncommon that the courts require the plaintiff to post a security deposit or bond in order to enforce the preliminary injunction pending an appeal to compensate the enjoined party in case the decision is later reversed (Civil Execution Act § 301). See Article 300 of CIVI EXECUTION ACT. Article 300 (Purpose of Provisional Disposition). Even when the grounds for a requested claim or a provisional seizure have not been vindicated, the court may order a provisional seizure when the security fixed by the court has been furnished for the damages sustainable by the debtor due to a provisional seizure.	The decision whether to grant or deny injunctive relief rests within the equitable discretion of the courts. Determination is based on a case-by-case assessment of equitable factors. In deciding the necessity for provisional relief, courts balance between the irreparable harm to the plaintiff from the continued infringement and economic harm to the defendant from the granting of an injunction. Due to the requirements of showing irreparable harm and urgency, there is generally a more stringent review compared to a permanent injunction when determining whether to issue an interim/interlocutory injunction.	Yes - Article 750 Civil Code and Article 115 of DESIGN PROTECTION ACT. Article 115 (Estimation of Damages): (1) Where the owner of a design right or an exclusive licensee claims compensation for any loss inflicted upon him/her against a person who infringed the design right or exclusive license by intention or negligence and the infringing person transferred the products that constituted the infringement to third parties, the amount of the loss that the claimant has sustained may be calculated by multiplying the quantity of the products so transferred by the profit per unit of the products that the design right-holder or the exclusive licensee could have sold if not for the infringement. (2) The amount of damages calculated under paragraph (1) shall not exceed the amount calculated by multiplying the quantity of products that the design right-holder or exclusive licensee could have produced, less the quantity of products actually sold, by the profit per unit: Provided, That the quantity of products that the design right-holder or exclusive licensee could not sold due to any cause or event, other than the infringement, shall be subtracted therefrom, if such cause or event, in addition to the infringement, prevented the design right-holder or exclusive licensee from selling the products. In short: i) Actual damages, ii) infringer's profit, (iii) number of infringing articles sold, multiplied by profit per unit of article that the owner might have sold in the absence of infringement, or (iv) reasonable royalties. If it is difficult to calculate damages in the above manner, the court, at its discretion, may recognize the amount of damages after considering the reasons for the pleading.	No, although there is a provision for punitive damages under the Patent Act and Unfair Competition Prevention and Trade Secret Act. The Patent Act provides for the provision of damages up to three times if intentional or negligible, the Design Protection Act does not apply to such triple damages. See Article 128 of Patent Act. Article 128 (Claim for Compensation for Loss) (7) In case of intentional infringement of patent or exclusive license of another person, the court may decide the amount of the damage not exceeding three times the amount recognized as damage notwithstanding paragraph 1, in accordance with the provisions of paragraphs 2 through 7.
UK 8	Yes.	The injunction will very rarely extend beyond the life of the right. There must also be a continuing threat of	Yes. Strictly speaking, in the UK final injunctions are granted only at th discretion of the court, but in practice are regularly requested by a	respect of a Community design right will extend to the whole of the EU. (The UK Community Design Courts were designated by Community Designs (Designation of Community Design Courts Regulations 2005 (SI 2005/696)). As and when the UK leaves the EU, the UK Community Design Courts will no longer be able to rule on Community Design matter at all.  EU registered design:  i. If the defendant is domiciled or has an establishment in an EU member state, then bringing an action in that state gives rise to the possibility of an EU wide injunction;  ii. If the defendant is not domiciled nor has an establishment in an EU member state and the claimant is domiciled or has an establishment in an EU member state of the claimant gives rise to the possibility of an EU wide injunction:	tried (or in other words, not a vexatious claim), and that the 'balance of convenience' favours ordering an interim injunction. To satisfy the balance of convenience the court considers: 1) whether damages would be an adequate remedy for the design right holder or whether the design right holder would suffer irreparable harm without the interim injunction; 2) whether a cross-undertakings in damages would be an adequate remedy for the alleged infringer were they to win at trial (it should be noted that a cross-undertaking in damages is always a condition imposed upon the design right holder); 3) whether there has been any undue delay making the application, as an interim injunction will only be granted if the circumstances are such that the matter cannot await trial in the normal course; and 4) the status quo and any special factors. Yes. An interim injunction is a discretionary remedy. There must be a serious legal question to be tried. There must be unquantifiable loss to the claimant, or quantifiable loss which cannot be recovered from the defendant, (caused by there being no interim injunction in place	In practice, the UK courts are reticent to grant interim injunctions, as the conditions placed upon the design right holder can be difficult to satisfy. However, recently the UK High Court granted a pan-EU injunction following an urgent application made by Philip Morris Products S.A. on the basis of a registered Community design corresponding to its IQOS heated tobacco device.	Yes. Compensatory damages is a remedy that is available to a successful plaintiff. The general principle is that the owner of the registered design should be put in the same position as if the infringement had not happened. There is no one calculation in the UK, but the court will consider a number of 'heads of damage', including: 1) entitlement to a loss of profits on the assumption that the plaintiff would have made the sales made by the defendant. The court will normally apply this as a percentage of the overall sales made; 2) compensation for diminution in profits, as a result of the plaintiff reducing prices to compete; 3) a fair royalty on sales the claimant would not have otherwise made; 4) a fair royalty on all sales, as alternative to any of the heads above.  These are cumulative. In the alternative, the design right holder can claim an account of the profits wrongfully made by the infringer as a result of his infringing activities. No damages are payable if the infringer proves he/she did not know (and had no reasonable ground for supposing) the design was registered. Marking the product with the registered design number should avoid this innocence defence (marking the product with the word "registered", without the number, is not enough).	In the UK damages will not be increased as a means of punishing the unsuccessful defendant (i.e. punitive damages). Further, there is no provision for additional 'flagrancy' damages for infringement of registered designs under the relevant UK legislation. However, under the IP Enforcement Directive (implemented nationally as the Intellectual Property (Enforcement, etc) Regulations 2006/1028) the courts can take into account all appropriate aspects when calculating damages, including negative economic consequences, unfair profits made by the infringer and, in appropriate cases, 'other non-economic elements', including moral prejudice caused. There is no set calculation for any of these heads of damage, although the starting position of the court is typically to consider whether compensatory damages have sufficiently addressed the remedy requested. In the specialist UK Intellectual Property Enterprise Court, any damages (including uplift, if applicable) may be subject to damages caps set by the court.
US 9	jurisdiction of cases under this title may grant injunctions in accordance with the principles of equity to prevent the violation of any right	(2) remedies available at law, such as monetary damages are inadequate to compensate for the injury; (3) balance of hardships is in its favour; and (4) that the injunction is in the public interest. eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388	Permanent injunctions are not granted automatically in patent cases. District courts have "considerable discretion" in determining whether injunctive relief is appropriate. Thus, the injunction inquiry is fact-dependent, with few bright-line rules to be applied from case to case. Determination is based on a case-by-case assessment of equitable factors. eBay Inc. v. MercExchange, L.L.C., 547 U.S. 388 (2006)		Yes – plaintiff must show (1) likely to succeed on the merits; (2) likely to suffer irreparable harm in the absence of preliminary relief; (3) that the balance of hardships is in its favor; and (4) that the injunction is in the public interest. Winter v. Natural Res. Def. Council, 555 U.S. 7, 20 (2008). Whether or not a bond must be posted is at the discretion of the District Court.	The decision whether to grant or deny injunctive relief rests within the equitable discretion of the district courts.  Determination is based on a case-by-case assessment of equitable factors. Indivior Inc. v. Dr. Reddy's Laboratories, S.A., (Fed. Cir. 2018).	Yes – 35 U.S.C. § 284 (alternative to 35 U.S.C. § 289) – damages sufficient to compensate for the infringement, but in no event less than a reasonable royalty. Subject to marking requirement (35 U.S. Code § 287). Patent holder also has the option of proving lost profits. Reasonable royalty rate is based on a hypothetical negotiation between the patent holder and the infringer. Georgia-Pacific Corp. v. United States Plywood Corp., 318 F. Supp. 1116 (S.D.N.Y. 1970), mod. and aff'd, 446 F.2d 295 (2d Cir. 1971), cert. denied, 404 U.S. 870 (1971).	Yes, under 35 U.S.C. § 284 (not available under 35 U.S.C. § 289), damages (lost profit or a reasonable royalty) can be tripled in a case of willful infringement.

Q10  Can a design right holder claim restitution for infringer's profits? If so, how are the	ANCIAL REMEDIES (Questions 8 to 15)  Q11  Are there any 'defences' available which have a direct impact on financial remedies? If so,	Q12  Can a design right holder claim other types of damages not already covered by the above questions? If so, how are they calculated?	Q13  Can any of the categories of damages/profits b cumulative? Or are they only available in the	is there any cap to all or some of the financial remedies		Q16  Can the winning party recover some or all of its legal costsfrom the losing party?	Q17  ? What are the conditions for recovery of legal costs/attorney fees?	LEGAL COSTS (Attorney Fees and Court Fees) (Questions 16 to 23)  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
Yes, as discussed above an IP owner may elect for compensation in the form of damages or an account of profits: s 75(1)(b) of the Act. When obtaining an account of profits, the Court will consider all profits that are made in relation to the infringing product (e.g. selling of a product which uses the infringed design) and the infringer was be required to surrender the profits derived from infringing use of the IP owner's rights. The calculation of an account of profits involve the deduction of expenses that are referable to the manufacture and/or sale of the infringing goods, from the gross profits that the infringer earns from the sale of those infringing goods. Where an infringer can prove that the profits were attributable to the intrinsic quality and value of the goods and were not a result of the use of the design as indicative of the goods of the IP owner, these will not be included in the calculation of profits.	registered; and 2. that the infringing party had taken all reasonable steps to ascertain whether the design was registered; or (b) in the case of secondary infringement: that at the tim of the infringement, the defendant was not aware, and could not reasonably have been expected to be aware, that the design was registered. The onus is therefore on the alleged	Yes, it is possible for an IP owner to claim reputational damage in relation to the reputation of IP owner's brand or design. The requirements to establish reputational damage, the IP owner must adduce evidence of: 1. the singularity of the product, quality, distinctiveness, or some other aspect to demonstrate its commercial value; and 2. the extent and how the infringing product or	, , , , , , , , , , , , , , , , , , , ,	The Courts have the power to make orders for declarations a injunctive relief and award damages or an account of profits. There is no limit on the amount of an award of damages/account of profits/additional damages for IP matter.	the question of damages awarded by the Court is determined by the Judge.	maximum amount of costs that the successful party can recover; 4. an order that	jurisdiction to award costs in proceedings before the Court and that except as provide by any other Act, the award of costs is in the discretion of the Court or Judge. As cost are awarded by the Court at its discretion, there are no set conditions for recovery of legal costs. There is the general principle that the Court could award costs in favor of the successful party, which is determined on the facts of the case and the proceedings we	The court has a scale of costs under the Australian Federal Court Rules 2011. The amount of costs that an unsuccessful party in a proceeding will be liable to pay is usually limited and calculated in accordance with the scale found in Schedule 2 of the Federal Court Rules 2011 (the Rules). Generally, a Federal Court Registrar will be involved in the calculation of this amount. There is an expectation that the parties make a genuine attempt, wherever practicable to do so, to negotiate with a view of resolving the issue of costs between them. This negotiation is intended to reduce costs and delay in determining the question of quantum as to costs. Generally, the calculation of costs involves following considerations: 1. party and party costs (that is, costs that are fairly and reasonably incurred); and 2. lump-sum and other costs orders, including indemnity costs (that is, costs on an indemnity basis). The costs allowable for work done and services performed are contained in Schedule 3 of the Rules, and includes attendances, prepari documents, reading, delegation and supervising, research, document management, copying etc. The Courts' approach in calculating a recoverable costs involve the following steps: 1. Bill of Costs will be prepared by the party awarded costs and filed with the Federal Court of Australia; 2. the matter will be assigned to a Registrar who will perform estimate of the approximate total for which a certificate will be issued; 3. a notice of assessment will be issued to the parties, and the party interested in the bill of costs whave 21 days after the notice is issued to file a notice of objection; 4. if a notice of objection is filed, the other party will be provided with an opportunity to respond and the Registrar will conduct confidential enquiries with each party; and The Registrar will then make a formal assessment based on the representations made and a certificate of taxation will be issued that sets out the costs payable.	specialised knowledge and responsibility involved and the time and labour expended by the lawyer; (d) the number and importance of the documents prepared and read, regardless of their length; (e) the amount or value of money or property involved; (f) research and consideration of questions of law and fact; (g) the general care and conduct of the lawyer, having regard to the lawyer's instructions and all relevant circumstances; (h) the time within which the work was required to be done; (i) allowances otherwise
Yes, restitution of infringer's profits is one of the three criteria established by the Brazilian IP Law for compensation of lost profits, according to answer 8. Damages arising from the infringement are calculated based on the profits that the offender gained with the infringement.	Apart from the 5-year statute of limitations that will restrict the damages to this time period, i is possible to use a number of 'defences' to reduce damage awards, such as the theory that prevents unlawful enrichment, lack of balance between the determined amount and the nature of the infringement, overburden to the infringing party if the amount can prevent it from continuing its lawful business and others	Under Brazilian civil law, any act of violation of rights may, in theory, entail moral damages (reputation, image, "objective honour"), be the damages and causal relation between them and the acts of infringement must be proved by the plaintiff. The calculation is performed on a case-by-case basis. Concerning infringement of design rights, the courts have not been amenable considering that the are moral damages arising from infringement. However, there is one precedent from the District Court of Novo Hamburgo (Rio Grande do Sul State) that provided for the payment for moral damages, due to findings of harm to the image or reputation in connection with unauthorized use of registered design. See 4th Civil Court of the State Court of Rio Grande do Sul - Lawsuit: nº 1090020424-9 / Plainting Bem Brasil Vinyl Covers LTDA Defendants: Esphera Corp do Brasil Signaling and Container Metallurgical Industry LTDA, Hebert Omar Silva Rodrigues and Alceu Peres / Judge: Nara Rejane Klain Ribeiro / Date of the ruling: 07/18/2016. There is a uniform case law of the Superior Court of Justice where the biphasic method for calculating moral damages is used, which unfolds as this: in the first step, a basic value should be established for compensation, considering the infringed right, based on a group of judicial precedents which have dealt with similar cases. In the second step, the circumstances particular to the case must be considered, for the definitive determination of the amount of the indemnity, taking into account the legal determination of fair arbitration by the judge.	re e n iff: Yes, the damages in 8-10 and 12 are cumulative da in most industrial design court judgments .	The IP Law provides for parameters in order to establish the amount of damages but does not have a cap and there are n limits to the amount. Arbitrated amounts based on possible moral damages can also be added, even though there are no parameters. As a general rule, the principles of proportional and fairness are observed so as to avoid unlawful enrichmen	No further comments on the matter.		and attorney fees. The conditioins include: (i) that the party has won the case, (ii) That	All Court's fees – incuding Court-appointed expert's fees – will be recovered. The attorney's fees are set between a minimum of ten and a maximum of twenty per cent on tat value of the conviction, the economic benefit obtained or, if it is not possible to measure it, on the value attributed to the cause, according toarticle. 85 §2nd of the Brazilia Civil Procedure Code.	Legal costs (such as court fees, court-appointed expert's fees and others) are fully recoverable. Regarding attorney's fees, if damages are awarded to the Plaintiff, the attorney's fees may be determined in an amount from 5%
courts have applied a differential profits approach to the calculation of an accounting of profits. Profits are calculated as the revenue of the Defendant resulting from the defendant's infringing activity minus the costs associated with the manufacturing/sales of the infringing article. In patent cases, this approach calculate the gross profits attributable to the infringement and subtracts any profits that coul	If the defendant establishes that is was not aware, and had no reasonable grounds to suspect, that the design was registered, the only remedy a plaintiff will be able to obtain is an injunction of the design is properly marked, this defence will not be available to the defendant. Section 17(1) of the Industrial Design Act. "In any proceedings under section 15, a court shall not award a remedy, other than an injunction, if the defendant establishes that, at the time of the act that is the subject of the proceedings, the defendant was not aware, and had no reasonable ground to suspect, that the design was registered." Section 17(2) of the Industrial Design Act. "Subsection (1) does not apply if the plaintiff establishes that the capital letter "D" in a circle and the name, or the usual abbreviation of the name, of the proprietor of the design were marked on (a) all, or substantially all, of the articles to which the registration pertains and that were distributed in Canada by or with the consent of the proprietor before the act complained of; or (b) the labels or packaging associated with those articles."	t Not under the Canadian design law per se, but such remedies may be available under the Trademarks Act (e.g. depreciation of goodwi	Double recovery is not available. A plaintiff must elect for either damages or profits, as they are mutually exclusive remedies for industrial desig infringement. Industrial Design Act, RSC 1985, c 9, s. 15.1.	not exceed \$50,000). Federal Courts Rules, SOR/98-106, Rule 292(b).  Furthermore, recovery is limited to infringing activities that	In general, both pre- and post- judgment interest is awarded on monetary awards in Canadian courts. However, a plaintiff must specifically seek such relief in its Statement of Claim.	Yes, the winning party may be awarded costs in an action.	While costs are generally awarded to the successful party, costs remain at the discreti of the court. Section 400(1) Federal Courts Rules. "The Court shall have full discretions power over the amount and allocation of costs and the determination of by whom the are to be paid."	attorney's fees (usually based on a tariff or schedule of allowable fees contained in the applicable court rules). In exceptional circumstances, full or substantial indemnity for arry last and large costs incurred for the litigation may be awarded, generally in the form of a lump sum award.	While there is not an explicit test of proportionality or reasonableness, the court will exercise its discretion to determine an appropriate cost award on a case-by-case basis.  While there is not an explicit test of proportionality or reasonableness, the court will exercise its discretion to determine an appropriate cost award on
Yes – the patentee can restitution if the evidence can prove the total number of the infringing product, the price of product, and the average profit of the infringing product. The design right holder may have the court organize auditing of the infringer's profits, and then award damages in consideration of the value of the design / contribution of the design to the profit of the patented product. Only that in practic many infringer does not have full or intact business records for auditing. If the design right owner insists on auditing of the infringer's business records the "profits" may turn to be very low or there is no profit at all.  Total profits can also be calculated based on the total number of infringing product price per product * average profit. The average profit might be the profit of infringer the average profit in the industry, depending on evidence. Woqi v. Hengbao (2015, Beijing IP Court) (2015) Jingzhiminchu 441 Gree v. Aux (2017, GuangzhoulP Court) (2017) Yue 73 Minchu 390	Article 70 of China's Patent Law provides that anyone who uses, offers for sale or sells a patent infringement product for production and business purposes without knowing that it is manufactured and sold without the permission of the patentee shall not be liable for compensation if he can prove the legitimate source of the product.	No. In China design right is regarded only as a property right, not moral right.	They cannot be cumulative, but only alternative For the above way (5), the plaintiff can provide evidence to support (part of) way (1) to (3) in order to prove that the damage he suffered is beyond statuary damage although the evidence cannot prove sufficiently either of way (1) to (3) Woqi v. Hengbao (2015, Beijing IP Court) (2015 Jlngzhiminchu 441 Gree v. Aux (2017, GuangzhoulP Court) (2017) Yue 73 Minchu 390	No.		The plaintiff can recover the reasonable costs for enforcing the patent right, if the infringement is established, according to Article 65 of Patent Law and Article 22 of 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). The reasonable fees may include the attorney fees, etc. But even if the alleged infringer wins the case, it cannot recover the attorney fees (not court fees for the alleged infringer) unless it can prove the obvious misconduct of the patentee, suc as abuse of patent right.	costsArticle 65, the patent law -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). Specifically, if the court finds infringement and the patentee specifically raises the claim of recovering the legal costs, and submits eviden	The court has discretion to determine the amount of recoverable legal costs and attorney fees. In doing so, the court may consider various factors such as the portion of damages supported by the court, the evidence of such costs provided by the winning party, the complexity of the dispute and the reasonable workload of the attorneys, an the average income level of the local region. The legal costs include (1) court fee; (2) attorney fee; (3) third party fee such as notarization fee, translation fee, travel fee etc. Court fee and third party fees are calculated based on the receipts incured. Attorney fees are usually based on a reasonable number of hours worked for the case, multiple reasonable hourly fee, where reasonable hourly fee is usually based on that made by national lawyer association or according to local market.	Yes, the calculation of recoverable legal costs/attorney fees include a test of reasonableness. Attorney fees are usually based on a reasonable number of hours worked for the case, multiple reasonable hourly fee, where reasonable hourly fee is usually based on that made by national lawyer association or according to local market.
Yes (see above). The infringer's profit must generally be surrendered in full. The infringer cannot assert that the profit achieved by him could also have been achieved without the infringing conduct or is partly based on his own efforts. Only the variabl costs which can be directly attributed to the manufacture and/or sale of the infringing products may have a profit-reducing effect. Therefore, the production, material and sales costs, the costs of the personnel directly involved with the production, as well as, in the case of investments in fixed assets, the costs of machines and premises (profit in relation to their service life) which have only been used for the production and sale of the infringing products can be taken into account. The burden of proof for the deductibility of the claimed costs and for their amount lies with the defendant.	Yes, damages require culpability. However, negligence is usually affirmed in favour of the right owner since the infringer has an obligation to exam the situation with regard to intellectual property rights.	In very rare circumstances the design right holder may claim damages for market confusion or discreditation. There are no clear requirements, but rather it depends on the circumstances of the specific case. For example, a right holder could claim damages for market confusion if they have fallen into disrepute because of the external similarity between infringing product and design since this created the impression that the right holder was marketing his design (maybe even at inferior quality) for a cheaper price.	The three calculation methods are only availabl in the alternative. However, damages for marke confusion or discreditation may be claimed additionally.		Aside from damages, the design right holder may claim surrender of any unjust enrichement (Bereicherungsherausgabe) due to the infringement where the infringer has neither infringed intentionally nor negligently.	The court fees have to be covered by the losing party. The winning party can further recover some of the attorney fees on the basis of German law on attorney fee compensation (Rechtsanwaltsvergütungsgesetz – RVG), whereby the recoverable fees are calculated on the basis of the amount in dispute. However, this may not cover the attorney fees in full if the winning party has a differing fee agreement with his attorney, e.g. billing on an hourly basis.		The recoverable legal costs are calculated on the basis of German law on attorney fee compensation (Rechtsanwaltsvergütungsgesetz – RVG), whereby the recoverable fees calculated on the basis of the amount in dispute.	are No, the calculation of recoverable legal costs/attorney fees does not include a test of proportionality or reasonableness.
	No, unless an infringer successfully overturns the assumption of "negligence" (Japanese Design	Relief for damage to reputation is available (Article 41, Design act). Some court cases also admitted that the infringer's acts led to the reduction of sales price of a patentee's products and such reduction was admitted as additional damages. (Tokyo District Court July 2 2017, 2015 (Wa) 22491)	recovery of Article 39 (1), (2) or (3). Namely, if a right holder selects Article 39 (1) or (2), the right holder cannot request the damages of Article 39 (3). However, the latest amendment of laws	No. There is not such a cap to monetary damages in Japan. Extinctive Prescription of Claim for the above Article 39 (1), (or (3) is 3 years after the right holder knows the infringement and the infringer. However, even after 3 years have passed, to right holder can claim "reasonable royalty" until 10 years after the right holder knows the infringement and the infringer.	(2), nt the	Yes, in most cases, the winning party can recover around 10% of the admitted damages from the losing party. In addition, the winning party can recover court fees (mostly stamp fees) from the losing party to the extent that the court decide	the recovery	In most cases, the winning party can recover around 10% of the admitted damages from the losing party. In addition, the winning party can recover court fees (mostly stam fees) from the losing party to the extent that the court decides. The extent is decided based on the ratio the right holder wins.	Reasonableness — "reasonable attorney fees" may be awarded to the prevailing party. As stated above, in most cases, the amount is about 10% of the admitted damages
Yes. See Article 115 of DESIGN PROTECTION ACT. (3) Where a design right-holder or a exclusive licensee claims compensation for any loss incurred by a person who infring the design right or exclusive license by intention or negligence, the profits that the infringing person gained by infringement, if any, shall be deemed equivalent to the loss that the design right-holder or exclusive licensee has sustained. No specific provision for calculating the infringer's profit, but it can be made considering various factors, such as sales figures, profit per unit of article, and expenses, etc.	right of an exclusive licensee claims compensation for any loss inflicted linon him/her against a	reparation of property damages, design right holders can claim compensation for mental distress. However, it is not easy to admit because the plaintiff is not easy to prove the above. Also, the court may order necessary measures to restore the business reputation the owner. See Article 117 of Design Protection Act. Article 117 (Restoration of Reputation of Design Right-Holders, etc.)At 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 license 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.	reputation, and alternative for direct loss of profit from infringement.	Yes. See Article 115(2) of DESIGN PROTECTION ACT. Article 1 (Estimation of Damages)(2) The amount of damages calculat under paragraph (1) shall not exceed the amount calculated multiplying the quantity of products that the design right-holder or exclusive licensee could have produced, less the quantity of products actually sold, by the profit per unit: Provided, That the quantity of products that the design right holder or exclusive licensee could not sold due to any cause event, other than the infringement, shall be subtracted therefrom, if such cause or event, in addition to the infringement, prevented the design right-holder or exclusive licensee from selling the products.	t- or	Yes, the winning party can recover some of its legal costs. See Article 98 of Civil Procedure Act. Article 98 (Principle of Bearing Costs of Lawsuit) Costs of a lawsuit shall be borne by the losing party.	Upon the court decision for amount of the cost is rendered, the winner requests the recovery of the confirmed amount of cost.  See Article 99 to 101 of Civil Procedure Act. Article 99 (Exception to Principles) A court may, depending on circumstances, charge the winning party with the whole or part of the costs arising from the acts unnecessary for an extension or defense of his/her right or of the costs arising from the acts necessary for an extension or defense of the other party's rights. Article 100 (Exception to Principles) When a litigation was delayed due the failure of either party to produce a means of attack or defense at an appropriate time, or to neglect an observance of the appointed date or period, or due to any other causes attributable to either party, the court may charge the winning party with the whole or part of the costs of lawsuit incurred due to such delay. Article 101 (Case of Partial Defeat) The costs of lawsuit to be borne by the parties in cases of a partial defeat	CIVIL LITIGATION, ETC. Article 2 (Statements of Claims) (1) Revenue stamps with a face value prescribed in the following subparagraphs based on the value of the subject matter of litigation shall be attached to a statement of claim (excluding a statement of counterclaim and a statement of claim filed to the Supreme Court); 1. Where the value of the subject matter of litigation is below ten million won, an amount computed by multiplying such value by 50/10,000; 2. Where the value of the subject matter of litigation exceeds ten million won but below 100 million won, an amount computed by adding 5,000 won to the amount computed by multiplying such value by 45/10,000; 3. Where the value of the subject matter of litigation exceeds one billion won, an amount computed by adding 55,000 won to the amount computed by multiplying such value by 40/10,000; 4. Where the value of the subject matter of litigation exceeds one billion won, an amount computed by adding 555,000 won to the amount computed by multiplying such value by 35/10,000. (2) Where the amount of revenue stamps calculated as prescribed in paragraph (1) is below 1,000 won, such	Yes, the calculation of recoverable legal costs/attorney fees include a test of proportionality or easonableness. The court will take into account the proportionality or reasonableness when determining the recoverable legal costs/attorney fees. See Article 99 and 100 of CIVIL PROCEDURE ACT
Yes, a successful plaintiff can claim an account of the profits made by the defendant an alternative to claiming damages. The Claimant can seek limited disclosure (Island Records v Tring) in order to make the election between account of profits and inquir as to damages on an informed basis. Once the election is made, the starting position of the court is to look at the profits achieved by the infringer from the making and selling of the goods, although the court will note that this not always appropriate where the infringing design constitutes only a feature of the article, as opposed to the whole, thereby playing only a small or no part in the overall sales. In such cases, the court will apportion profits in relation to benefit received from the use of the design. The court may also consider certain reductions, such as overhead costs where the overheads are directly attributable to the infringing activity.	No damages are payable if the infringer proves he/she did not know and had no reasonable grounds for supposing that the design was registered. Marking the product with the registered design number should avoid this innocence defence (marking the product with the word "registered", without the number, is not enough). There still exists some academic discussion whether infringers of Community registered designs should be afforded the same defence but	No.		No, except if proceedings are brought in one particular forum (in the Intellectual Property Enterprise Court damages are capped at £500,000).	Generally financial remedies are intended to compensate the person wronged, rather than as punishment the wrongdoer.  Furthermore, in the UK, trials on infringement and validity are dealt with in the same proceedings, but proceedings on liability and quantity damages/account of profits are bifurcated. Liability is determined first and, if successful, the parties attend a inquiry as to damages, or account of profits (if elected).	Yes, the winning party can recover some of its legal costs.  of	The general rule is that the successful party is entitled to recover a portion of its legal costs. The winning party will normally recover its legal costs and attorney fees, although they can be reduced if they are unreasonable. They may also be reduced if the winning party has not won on all the issues (individual parts) of its claim. The losing party may also be entitled to recover some of its own costs, if it has won part of the case. But generally, the overall winning party will usually recover a reasonable proportion of its actual legal costs, including attorney fees (not just court fees).	The amount of costs recovery will depend on the court, and the costs regime applied in that court (for example whether there is statutory stage costs or a costs manageme order). Other considerations typically impact the calculation, such as whether the successful party lost on particular issues, whether a party did not accept a 'part 36' settlement offer, whether sanctions should be applied for not complying with procedural rules or poor conduct.I he in IP cases, the recovery stage is done through a separate stage after trial on liability. Typcially, costs are (eventually) agreed between the parties. If necessary, the costs wi assessed by the court, which will look at each stage of the litigation, at the time spent, by what level of fee earner and at what hourly rate and how long they spent, doing what. The court decides what level of fees it is reasonable to require the losing party to pay. The court does not award 100% of actual costs. That does not mean that it we not reasonable for the work to be done (and paid for) by the client. The court's costs orders can be affected by Without Prejudice offers made but not accepted during the course of the litigation.	Yes, the calculation of recoverable legal costs/attorney fees include a test of proportionality or easonableness. Parties involved in litigation in the UK are under a continuing duty to conduct litigation efficiently and at proportionate cost. On a standard basis, the courts will typically only award
Yes - 35 U.S.C. § 289 (alternative to 35 U.S.C. § 284) – award of \$250 or the infringer "total profit." Subject to marking requirement. (35 U.S. Code § 287). Total profits are calculated based on the dollar amount the infringer generated from sales of the infringing article minus the costs associated with the sales. Nordock, Inc. v. Systems, Inc., 803 F.3d 1344, 1354 (Fed. Cir. 2015) and Nike Inc. v. Wal-Mart Stores Inc., 138 F.3d 1437, 1447-1448 (Fed. Cir. 1998).	No	Not under the patent statute.	Double recovery is not available - either reasonable royalty or lost profits of patent owner under § 284 or total profits of infringer under § 289, but not both. Catalina Lighting, Inc. v. Lamps Plus, Inc., 295 F.3d 1277, 1291 (Fed. Cir. 2002).	No. (Can't receive damages for more than 6 years before the complaint was filed). 35 U.S. Code § 286.		Yes, the winning party can recover some of its legal costs. Only in exceptional cases, reasonable attorneys' fees may be awarded to the prevailing party. 35 U.S. § 285.	Must prove exceptional case – "one that stands out from others with respect to the substantive strength of a party's litigating position (considering both the governing la and the facts of the case) or the unreasonable manner in which the case was litigated' Octane Fitness, LLC v. Icon Health & Fitness, Inc., 134 S.Ct. 1749 (2014).	Generally courts use the "lodestar" method - a reasonable number of hours worked is multiplied by a reasonable hourly fee.	Yes, the calculation of recoverable legal costs/attorney fees include a test of proportionality or easonableness. Reasonableness – "reasonable attorney fees" may be awarded to the prevailing party. 35 U.S.C. § 285.

Q20  Is there a fixed (maximum) sum that can be recovered in respect of legal  Q21  Can the winning party recover costs for its own times spent (whether in addition to or instead of attorney)	Other comments about 1FG	Q24  Are sanctions or relief other than injunctions and financial remedies available for registered designs?	Q25.1  Destruction of infringing products?	Q25.2  Delivery up of infringing products to the design owner of seizure of infringing products?	predominantly used in order to manufacture t	Q25.4  Disclosure of information regarding the infringing goods?	OTHER SANCTIONS OR RELIEF (Questions 24 Q25.5  Publicity order?	Q25.6  Border control/customs enforcement	Q25.7  Criminal penalties – imprisonment	Q25.8 ? Criminal penalties – fines?	Q25.9  Any other sanctions or relief?	Q26 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 the Courts to limit the costs that a successful party can recover ("cost capping orders"). The limit will usually be set when proceedings commence.	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, delivery up of infringing products to the design owner seizure of infringing products is subject to the discretion the Court. There is no special provision for delivery up in Act. However, the Courts have an inherent equitable power to order delivery up of infringing goods as it sees fit:  Geodesic Constructions Pty Ltd v Gaston (1976) 16 SASR	controls a mould that is intended for the use in manufacture of an infringing product, be ordere to deliver the moulds to the design owner once	the Yes, information as to the infringing goods would usually be provided in discovery or by	referred to in Australia as "Publicity orders" but may have the same		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, criminaly penalites (fines) are	No, other sanctions or relief. However, it may be possible to pursue relief, which not in relation to design infringement, but for related claims of trade mark infringement (3D/shape trade marks), contravention of Australian Consumer La for misleading and deceptive conduct or passing off	unjustified threat is made, the alleged infringer can
Yes, there is a fixed maximum sum that can be recovered in respect to attorney's fees - up to 20% of the value of the cause. As such, Attorney's fees may not exceed 20% of the value of the conviction, the economic benefit obtained or, if it is not possible to measure it, of the value attributed to the cause.  No, Recovery costs for the time spent cannot be claimed in the same lawsuit. However, it is possible to 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.	res, the damages and costs can be recovered and suit in order to secure the	ond, the f the Yes, sanctions or relief other than injuctions and financial remedies are available for registered designs. case he		Yes, the judge may, in the specific case, order the seizure infringing products, including as an interim injunction.	Yes, although there is no specific provision in th 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 enforce a provisional remedy." Therefore, if the materials and implements are predominantly us to manufacture infringing goods, and if the party requests the seizure, 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.	to have discretion as far as preliminary orders are concerned. Article 297 provides "A judge may order the measures deemed necessary in	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.		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 items falling under a tariff.	attorney's fees) are both available to successful 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 of profits, for punitive damages, and for the disposal of any infringing article or kit."	Yes, Industrial Design Act, RSC 1985, c i-9, s. 15.1.	Yes, delivery up of infringing products is implicitly availab as an alternative to the destruction of the infringing products. Findlay v Ottawa Furnace & Foundry Co (1902) Ex CR 338 (Ex Ct).	this order is likely available but may be difficult	the course of litigation, such information may	No statutory authority or case law precedent as to a publicity order.	No statutory authority or case law precedent. However, if there are overlapping copyright, trademark rights associated with a product, border control/customs assistance may be available through a Request for Assistance to the Canada Border Services Agency.	No criminal penalities as to imprisonments under design law pese. No statutory authority or case law precedent.	No criminal penalties as to fines under design law per se. No statute authority 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. So far as the litigant can prove the costs and fees are reasonable, the court can support such claim.  So far , the court has not support recovery of cost for the time spent by the winning party itself (and in practice the litigant itself very rarely raises this kind of claim in design infringement lawsuits).	Cases on Patent Disputes (2015 Amendment). Although the damages and costs may be but do not provide related	Yes, the sanctions may also include eliminating ill effects (such as the infringer making a public clarification/declaration) in accordance with Article 15 of Torts Liabilities Law, which will be replaced by Article 179 as a of Civil Code from 1 January 2021.	infringement	If infringing products are seized by the court or by other means (for example customs detention), then the court c support the patentee's request that such goods be destroafter the court finds infringement.	ran Yes, the court has discretion for such order as a	No, China does not grant the patentee the "information right"; the patentee may obtain such information only through mediation/settlement with the infringer.	No, publicatiy orders are not available as a sanction.	The design patentee can request the customs to seize the infringing products for the recorded design patentsChina'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 or patent stability evaluation report to prove the design is stable.	(imprisonment) is not a sanction in	t a sanction in China for design	No.	The patent law does not provide other sanctions or relief, but the judgment will be published online, and become part of credit records of the infringer. The infringement records will have some ill effect on the infringer's business. For example, business partners may have concerns about doing business with an "infringer", and banks may hesitate in granting loans.
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 serves as a cap.  No, the winning pary cannot recover costs for its ow 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.	Yes, sanctions or relief other than injunctions and financial remedies are available for registered designs.		s Yes, delivery up of infringing products to the desing owne 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 publictiy order is available.	Yes, border controls/customs enforcement is available.	Yes, criminal penalties - imprisonment is available.	Yes, criminaly penalites (fines) are available.	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 in the individual case.	N/A
No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees.  No, the winning pary cannot recover costs for its ow time spent.	Yes, both damages and costs can be recovered and they are calculated separately. Only 10% of monetary damages can be recovered.	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 a 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. (refers to Computer Program, etc. as provided in Article 2 (4) of the Patent Act; the same shall apply hereinafter following Article); the same shall apply hereinafter	A holder of a design right may demand the disposal of infringing products and products constituting such act of infringement, and removal of facilities used for the act of infringement, but not the seizure of infringing products. Therefore, the court does not order the seizure of infringing products under standard court practice. If "seizure" includer seizure at customs, the answer is "Yes", as infringing products can be seized at customs. In addition, if "seizure includes preservation of evidence, evidence preservation be ordered by a court, although the court order for evider preservation does not have a binding effect.  Japanese Design Act § 37 (2) "In making a demand under 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. (refers to Computer Program, etc. provided in Article 2 (4) 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	Yes, seizure of materials and implements is predominantly used in order to manufacture the infringing goods available.  Japanese Design Act § 37 (2) "In making a dema under the preceding paragraph, the holder of a design right or an exclusive licensee may deman measures necessary for the prevention of such infringement including the disposal of products constituting such act of infringement (including Computer Program, etc. (refers to Computer Program, etc. (refers to Computer Program, etc. as provided in Article 2 (4) of the Patent Act; the same shall apply for the followir Article); the same shall apply hereinafter) and the removal of facilities used for the act of infringement."	d Yes, the disclosure of information regarding the infringing goods is not available.	Yes. Japanese Design Act § 41 cites Japanese Patent Act § 106. "At the request of the patentee or exclusive licensee, the court may, , order a person that has harmed the business credibility of the patentee or exclusive licensee by intentionally or negligently infringing upon the patent right or violating the exclusive license to take measures necessary to restore the business credibility of the patentee or exclusive licensee in lieu of or beyond compensation for damages." Here, "measures necessary to restore the business credibility of the patentee includes "publication of an apology". However, it is extremely rare that "publication of an apology" is decided because the court decides in most cases that admitting damages and injunction is enough to compensate the right holder's damages.	Yes, border controls/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 2017. Also, the Customs reported that they suspended 116,597 items because of design act infringement in 2018.	fines (JPY 10 millions or less) can be imposed (Article 69, Design Act).  Japanese Design Act § 69 "An infringer of a design right or exclusive license (excluding one who has	Yes, criminaly penalites (fines) are available. Imprisonment (10 years less) or fines (JPY 10 millions or less can be imposed (Article 69, Design Act).  Japanese Design Act § 69 "An infringer of a design right or exclus license (excluding one who has committed any acts which are deemed to constitute infringement of a design right or an exclusive license under Article 38) 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."	s)	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 in the course of performing his/her 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
No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees.  No, the winning pary cannot recover costs for its ow time spent.	Yes, both damages and costs can be recovered and they are calculated separately.	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 113(3) of DESIGN PROTECTION ACT. Article 113 (Rights to Prohibit Infringement, etc.) (3) When the owner of a design right or an exclusive licensee files a claim under 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.	infringement provided for in Article 220 (1) or any article obtained by such infringement shall be confiscated or ordered to be delivered to the injured party upon the injurenty's request. (2) If an injured party accepts an article delivered under paragraph (1), he/she may claim damaged only for the portion that exceeds the value of the article	predominantly used in order to manufacture the infringing goods is available. DPA § 113(3) and E § 228(1) When the owner of a design right or an exclusive licensee files a claim based on design infringement, he/she may seek the destruction infringing articles, the removal of facilities providing the infringement, and other actions necessary for the prevention of infringement. Further, in case of a criminal action, any article made by conduct that constitutes infringement any article obtained by such infringement shall lead to onfiscated or ordered to be delivered to the delivered to the	PA  of  No, disclosure of information regarding the infringing goods is not available.	Yes, a publictiy order is available. See Article 117 of Design Protection Act. Article 117 (Restoration of Reputation of Design Right-Holders, etc.)At 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 license 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.	Customs Service ("KCS") may act sua sponte to suspend the release of goods, without the need for a separate request by the right holder, if it is clear that an IP right has bee infringed in connection with the goods. No security deposit is required from the right holder under this scenario if the KCS determines that the imported/exported goods	imprisonment is available. A person who has infringed a registered design right is subject to imprisonment of up to seven (7) years.  See Article 220 Design Protection Act. Article 220 (Infringements)(1) Any person who infringes a design right or an exclusive license shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 100 million.	Yes, criminaly penalites (fines) are available. A fine of up to 100 million won (approximately US\$84,000 at the current exchange rate)	A design right owner may file a petition before the Korea Trade Commission ('K' to seek remedies against the export/import of infringing products.	TC') N/A
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 (I the Intellectual Property Enterprise Court). A successful party in the specialist Intellectual Property Enterprise Court will be subject an overall costs recovery cap of £50,00  No, the winning pary 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 inhouse 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 those external counsel).	Yes, both damages and costs can be recovered and they are calculated separately.	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.	s Yes, delivery up of infringing products to the desing owne 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 publictiy order is available.	Yes  This is not relief available through court means, but is available as of right to the designing the relevant application to the customs authority.	Yes, criminal penalties - imprisonment is available. Such penalites are determined in separate, criminal, proceedings.	Yes, criminaly penalites (fines) are available. Such penalites are determined in separate, criminal, proceedings.	It is possible that other sanctions or reflief are available. The court has wide discretion under its inherent jurisdiction to grant appropriate relief. (For examplin certain circumstances the court might be prepared to freeze the infringer's baccount).	
No, there is no fixed (maximum) sum that can be recovered in respect of legal costs/attorney fees.  No, the winning pary cannot recover costs for its ow time spent.	Yes, both damages and costs can be recovered and they are calculated separately.	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 desing owners 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 publictiy order is not available.	No, border controls/customs enforcement is not available.	No, criminal penalties - imprisonment is not available.	No, criminaly penalites (fines) are not available.	No.	N/A

	Contact Info	PERI	MANENT	INJUNCT	IONS	INTERI	M INJUN			
Country	Name	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9
A1101	Simon Knockono	<u>AU01</u>								
AU01	Simon Kneebone	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
A1102	Ed Gennocio	<u>AU02</u>								
AU02	Ed Gennocio	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
BR03	Saulo Calazans	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	BR03	BR03	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>
DKUS	Saulo Calazalis	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
BR04	Gabriel Di Blasi	<u>BR04</u>								
DKU4	Gabriei Di Biasi	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
CA05	Kohji Suzuki	<u>CA05</u>								
CAUS	Konji Suzuki	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
CA06	James Longwell	<u>CA06</u>								
CAUO	James Longweii	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
CN07	Shuhua Zhang	<u>CN07</u>								
CINU7	Siluliua Zilalig	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
CN08	Lili Wu	<u>CN08</u>								
CINUO	LIII WU	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
EU09	Bogatz / Bennett	EU09								
E009	bogatz / beilliett	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
EU10	D Young	<u>EU10</u>								
EOIO	D foung	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
JP11	Toyotaka Abe	<u>JP11</u>								
JETT	TOYOLAKA ADE	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
JP12	Hiroko Suzuki	<u>JP12</u>								
JF12	HII OKO SUZUKI	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
KR13	Ben Beyong-Ho	KR13								
KKIS	bell beyong-no	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
KR14	Hyun-Joo Hong	<u>KR14</u>								
KKT4	Hydii-300 Holig	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
UK15	Sara Ashby	<u>UK15</u>								
	Sura Asilby	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
UK16	Jana Bogatz	<u>UK16</u>								
OKIO	Jana Bugatz	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>
US17	Durkin / Verret	<u>US17</u>								
- 0317	Durkin / Verret	<u>Q1</u>	<u>Q2</u>	<u>Q3</u>	<u>Q4</u>	<u>Q5</u>	<u>Q6</u>	<u>Q7</u>	<u>Q8</u>	<u>Q9</u>

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

Q3	Are permanent injunctions regularly granted (for example, are they the 'norm' following a finding of ir 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 abc jurisdiction's approach to PERMANENT injunctions which the above questions 1 to 3 have not revealed here:
Q5	Are interim (interlocutory) injunctions available? In what circumstances? Are any conditions imposed right holder (for example: obligation to compensate the alleged infringer if infringement is not establish 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 injun
Q7	Other comments about INTERIM injunctions: If there is something important we should know about y 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 the
Q9	Are there any circumstances in which damages might be increased (e.g. punitive/enhanced damages) circumstances (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 infiso, please explain.
Q12	Can a design right holder claim other types of damages not already covered by the above questions (e 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 a alternative?
Q14	Is there any cap to all or some of the financial remedies available, for example total monetary value n
Q15	Other comments about FINANCIAL remedies: If there is something important we should know about y 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) party?
Q17	What are the conditions for recovery of legal costs/attorney fees?

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 reaso
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 attorn
Q22	Can both damages and costs (including attorney fees) be recovered? If so, are they calculated separat
Q23	Other comments about LEGAL COSTS: If there is something important we should know about your jur 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? I indicate 'yes' or 'no' in answer to this question. (We will ask you to provide details in response to ques
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 good:
Q25.4	Disclosure of information regarding the infringing goods (such as: origin of goods, channels of trade, ic 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 h infringement, or to publish the court judgment on its website, or a requirement for a design owner to 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?

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

FI	NANCIAL	REMEDI	ES			LEGAL COSTS (Attorney Fees and Court F					
Q10	Q11	Q12	Q13	Q14	Q15	Q16	Q17	Q18	Q19	Q20	Q21
<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	BR03	BR03	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>BR04</u>	<u>BR04</u>	BR04	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
EU09	EU09	EU09	EU09	EU09	<u>EU09</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
KR13	<u>KR13</u>	<u>KR13</u>	KR13	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	KR13	KR13	<u>KR13</u>
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
KR14	<u>KR14</u>	KR14	<u>KR14</u>	<u>KR14</u>	<u>KR14</u>	KR14	<u>KR14</u>	KR14	<u>KR14</u>	<u>KR14</u>	KR14
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>
<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>						
<u>Q10</u>	<u>Q11</u>	<u>Q12</u>	<u>Q13</u>	<u>Q14</u>	<u>Q15</u>	<u>Q16</u>	<u>Q17</u>	<u>Q18</u>	<u>Q19</u>	<u>Q20</u>	<u>Q21</u>

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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	
<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	<u>AU01</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	Q25.1	Q25.2	Q25.3	Q25.4	Q25.5	Q25.6	Q25.7	Q25.8	<u>Q25.9</u>	
<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	<u>AU02</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	<u>BR03</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	<u>BR04</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	<u>CA05</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	Q25.1	Q25.2	Q25.3	<u>Q25.4</u>	<u>Q25.5</u>	Q25.6	Q25.7	Q25.8	<u>Q25.9</u>	
<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	<u>CA06</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	<u>CN07</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	<u>CN08</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>EU09</u>	<u>EU09</u>	EU09	<u>EU09</u>									
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	<u>EU10</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	<u>JP11</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	<u>JP12</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	<u>KR13</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	Q25.1	Q25.2	Q25.3	Q25.4	Q25.5	Q25.6	Q25.7	Q25.8	Q25.9	
KR14	KR14	<u>KR14</u>	KR14	KR14	<u>KR14</u>	<u>KR14</u>	KR14	<u>KR14</u>	KR14	KR14	<u>KR14</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	<u>UK15</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	<u>UK16</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	
<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	<u>US17</u>	
<u>Q22</u>	<u>Q23</u>	<u>Q24</u>	<u>Q25.1</u>	<u>Q25.2</u>	<u>Q25.3</u>	<u>Q25.4</u>	<u>Q25.5</u>	<u>Q25.6</u>	<u>Q25.7</u>	<u>Q25.8</u>	<u>Q25.9</u>	

Q26

<u>AU01</u>

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**BR03** 

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**KR13** 

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