

Programa de Formação em Propriedade Intelectual

22nd March 2013 | Court of Appeal of Lisbon

WORKING AGENDA

The indemnification of the IPR infringement

9h00 ARRIVAL AT LISBON COURT OF APPEAL + COFFEE

9h30 – 9h45 Welcome Speech from Judge Luís Maria Vaz das Neves, President of the Court of Appeal,

9h45 – 10h00 General Information by Eric Gastinel, EU Observatory, Academy, OHIM

9h45 – 10h45 First Work Shop – Measures To Be Obtained

Introduction

1. What can be obtained as provisional measures in Portugal in case of IPR infringement, *i.e.* damages, jail, banning, seizure, destruction, free transfer of products, closure of the factory, publishing of judgment, etc? Please specify.
2. What can be obtained on the merits in Portugal in case of IPR infringement? Please specify.

10h45 – 11h15 Reporting on first session in plenary

11h15 – 11h40 Coffee break

11h40 – 12h40 Second Work Shop – The Evidence Issue

Introduction

3. What evidence will need to be provided to the court to obtain measures referred to in **questions 1 and 2**? Please provide a detailed response.
4. Would you accept court evidence submitted in a language other than the official one of your country?
5. What practical advice would you give the IPR victim regarding evidences of the counterfeit?

12h40 – 13h10 Reporting on second session in plenary

13h10 – 14h30 Free Lunch

**C E N T R O
DE ESTUDOS
JUDICIÁRIOS**

Sede:

Largo do Limoeiro 1149-048 Lisboa

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14h30 – 15h30 Third Work Shop – The Deterrent Aspect of Indemnification: Case Study One

Introduction

6. What will the actual indemnification be in the Max Case 1?
7. How would you decide between option (a) and option (b) of Article 13(1) of Directive 2004/48? And what will be the level and amount of the licence fee deemed to have been due in the Max Case 1 if this solution is the one finally retained?
8. What impact Directive 2004/48 had on your traditional practice as regards the levels of indemnification; keeping in mind that the indemnification must have a deterrent effect?

15h30 – 16h00 Reporting on third session in plenary

16h00 – 17h00 Fourth Working Shop – The Deterrent Aspect of Indemnification: Case Study Two

Introduction

9. What will the actual indemnification be in the limited evidenced information of the new Max Case 2?
10. What impact Directive 2004/48 finally had on your practice as regards the levels of indemnification: conclusions after the Max Case 2?

17h00 – 17h30 Reporting on fourth session in plenary

17h35 – 17h45 Closing of the day by Judge Eurico Reis

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