

AIPPI BOSTON CONGRESS

September 7 - 10, 2008

Workshop XIII

Copyright Damages around the World

Domages-intérêts en cas de violation de droits d'auteur
dans le monde

Schadenersatz bei Copyright-Verletzungen weltweit

Tuesday, September 9, 2008

16:00 to 18:00

Room 107ABC

Moderator:

Dariusz Szleper, Gaultier, Lakits-Josse, Szleper
(Paris, France)

Speakers:

Warren Sprigings, Hitchman & Sprigings
(Toronto, Ontario, Canada)

Andri Hess, Homburger (Zurich, Switzerland)

Tilman Vossius, Dr. Volker Vossius (Munich, Germany)

Description

XIII. Copyright damages around the world

The workshop will present different models for awarding damages in cases of infringement of copyright in various jurisdictions around the world. It will look at the practical consequences and also at advantages and disadvantages and practical implications in obtaining evidence and information for assessing damages.

Conclusions

This was the second workshop on Tuesday afternoon, September 9, 2008. It followed the workshop on famous trademark. It was devoted to the evaluation and the nature of the copyright damages around the world. The workshop was organised in the last part of the afternoon and gathered less than 10 participants. The moderator was D.Szleper and the speakers were: Warren Sprigings from Canada, Andi Hess from Switzerland, and Tilman Vossius from Germany.

Each presentation was of very good quality and high level and treated different aspects of copyright damages. The Canadian speaker particularly developed the subject of the statutory damages for the copyright infringement. And both Mr. Hess and Mr. Vossius demonstrated how completely their legal systems allow the recovery of the damages. Due to the low attendance and late hour, no discussion followed.

Two observations can be probably made after the workshop:

- the copyright questions don't attract an important number of participants; and
- the fact that the workshop was scheduled rather late in day where all the firms' cocktails were organised probably didn't contribute to its attractiveness.

General conclusion:

a) The organisation of the workshops demands a clear determination of the purpose of the workshop and the organisation of the sub topics.

b) The scheduling must also be careful and it is probably recommended to put less attractive topics in the more acceptable moments of the day and to use the most attractive topics to fulfil the less acceptable moments for the EXPO or Congress participants.

c) It also shows the need to have a team of workshop organisers who are able to conduct the process from the beginning (choice of the topics and the speakers) to its end (schedule or timing etc).