

Standing Committee on

Enforcement

2015



Date: 30th July 2015

REPORT Standing Committee on

Enforcement

Chair: Kenneth ADAMO
Responsible Reporter: Ari Laakkonen

1) Report on the activities of the Standing Committee during the reporting period

Over the last year, the Standing Committee activities have been directed to reorganizing the committee chair/co-chair leadership, securing a new member to serve as secretary, revising the Terms of Reference, soliciting new committee members, and otherwise moving to reinvigorate the Committee.

2) Key issues/developments relevant to the Terms of Reference of the Standing Committee (arising during the reporting period or coming up)

There are currently no ongoing Committee projects, either initiated by the Committee or requested by the Bureau. The key issues/areas of focus that would be coming up in the near term would include investigating and advising the Bureau on current and proposed laws regarding:

- border interdiction remedies / stopping infringing goods at the border;
- the effect of oppositions and nullity proceedings on enforcement of intellectual property rights;
- injunctive relief, including temporary restraining orders, interim/preliminary injunctions and permanent injunctions;
- monetary damages or accounts of profit;
- UPC - related topics

3) Any recommendation for AIPPI involvement/action (describe what involvement/action is recommended and why, by whom and relevant time frames)

There are no current recommendations under preparation or proceedings for either AIPPI involvement or action.

4) Plan for the activities of the Standing Committee for the next reporting period highlighting any priorities

Suggested activities for Committee attention for the following calendar year (remainder of 2015 to Milan 2016), are the carrying out of multijurisdictional current and proposed law and procedure surveys, regarding:

- (a) border interdiction remedies/stopping infringing goods at national (or equivalent, eg. EU) borders, inbound/outbound.
- (b) administrative actions and remedies such as IPR / post-grant reviews in the U.S., EPO oppositions,

oppositions or post-grant reviews in other jurisdictions (eg. Japan).

(c) UPC-related

(i) Review of cost risk and reimbursable fees, including court fees and attorney's fees, in court-based litigation (e.g. under UPC) and administrative actions (e.g. opposition, post-grant challenges).

(ii) Injunctive relief under UPC as remedy, nature of enforcement across EU; equivalent injunctive relief issues in other jurisdictions.

AIPPI

Names and Functions of Committee Members

Chair	Kenneth ADAMO	United States
Co Chair(s)	Christof AUGENSTEIN	Germany
Secretary		
Members	Christina BERGGREN	Sweden
	Stefania BERGIA	Italy
	Gustavo DE FREITAS MORAES	Brazil
	Charles DE HAAS	France
	Reiko ITO	Japan
	Gerard KELLY	Ireland
	Anton KOVAL	Ukraine
	Emily O'NEIL	United Kingdom
	Mary PADBURY	Australia
	Carlos PÉREZ DE LA SIERRA	Mexico
	Wouter PORS	Netherlands
	Cornelis SCHÜLLER	Switzerland
	Andrea VESTITA	Italy
	Kristin WHIDBY	United States
	Yanfeng XIONG	China