COUNTRY:
(Concerned by this submission)

A. DETAILS

Name of company / association:.....

In the case of associations, or any other grouping of companies or individual right holders, provide a brief description of your membership (number, origin EU / non EU and, if possible, identity of members):
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Contact person:

Phone: *Fax:*

E-mail:

B. SPECIFIC INFORMATION

1. What type of presence does your company have in the country?

☐ Wholly-owned foreign enterprise
☐ Equity or contractual joint venture
☐ Representative office
☐ Agent
☐ None

2. Describe your sector / activity in the country:
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3. In the case of associations, or any other grouping of companies or individual right holders, indicate the number or proportion of your members affected by IPR infringements in the country:
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3. What type of infringement(s) have you been confronted with?

☐ Piracy of *copyrights* (music, film, software, books, etc.)
☐ Counterfeiting of *trademarks* (textiles, footwear, luxury items, drinks, toys, etc.)
☐ Infringement of *patents* (pharmaceuticals, agro-chemicals, machinery, etc)
☐ Infringement of *geographical indications*
☐ Infringement of *designs*
☐ Theft of *trade secrets*
☐ Other, please specify: .....

4. What is the nature of the infringement(s) suffered?

☐ Local production
☐ Local use
☐ Local sales
☐ Illicit parallel importation (from EU or third countries)
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☐ Exportation (to EU or third countries)
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☐ Transit (from/into EU or third countries)
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5. State whether you have registered the rights infringed in the country or whether they are *ex officio* or otherwise protected (*copyright, well-know trademarks, designs*)?

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6. Do you use other methods to increase your protection against IPR violations?

☐ No

☐ Yes:

- ☐ Holograms
- ☐ CID codes
- ☐ Watermarks
- ☐ Coding
- ☐ Scrambling
- ☐ Other, please specify: .....

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7. In the country concerned, was it possible to identify:

i) The counterfeiters or pirates responsible for the infringements of your IP rights?

☐ Yes
☐ No
☐ Don't know

ii) The place where they operate?

☐ Yes
☐ No
☐ Don't know

8. What type of measures have you undertaken with the country's authorities in order to react against the infringements of your IP rights?

☐ Administrative procedures (police, etc)
☐ Judicial procedures (civil or criminal)
☐ Customs procedures
☐ Arbitration
☐ Political demarches
☐ Contacts with local association (trade, industrial, IP)
☐ Other:.....

9. Describe the response of the competent authorities to the initiatives undertaken in reaction against the violation of your IP rights.

On a scale of 1 (poor) to 5 (very good) state your perception about the:

- Ease of identifying the competent authorities:	☐1	☐2	☐3	☐4	☐5
- Availability/commitment to treat the requests:	☐1	☐2	☐3	☐4	☐5
- Length of their reaction to the requests:	☐1	☐2	☐3	☐4	☐5
- Effectiveness of the measures adopted by the authorities	☐1	☐2	☐3	☐4	☐5

How do you consider the <u>costs</u> of the proceedings?

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Are there any difference of treatment between nationals and foreigners?

☐ No
☐ Yes, explain why:.....

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10. What type of representation procedures do you use to pursue the above listed proceedings (see question 8) in this country?

☐ **Foreign** lawyer
☐ Foreign agent

☐ **Local** lawyer
☐ Local agent

Is it an obligation to use local representatives? ☐ Yes ☐ No

On a scale of 1 (poor) to 5 (very good), what is your perception about:

- Their availability:	☐1	☐2	☐3	☐4	☐5
- Their quality / degree of specialization:	☐1	☐2	☐3	☐4	☐5

☐ **Other** type of representation: .....

11. If possible, quantify in terms of annual volume and/or value the adverse commercial impact (on the market of the country concerned + on other markets) caused to <u>your company</u> by the infringement of your IP rights in the country.

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12. If possible, quantify in terms of annual volume and/or value the adverse commercial impact caused to <u>your sector of activity</u> (on the market of the country concerned + on other markets) by the infringement of IP rights in the country.

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C. GENERAL INFORMATION

13. Indicate your perception regarding the implementation of each of the enforcement mechanisms listed below. Justify briefly your answer, in particular if you chose option ii) or iii). Take into consideration factors such as length, cost, accessibility, equity, effectiveness, etc:

13.1 **CIVIL JUDICIAL PROCEDURES AND REMEDIES, including injunctions for a party to desist from an infringement, the attribution of adequate damages and expenses, destruction or removal from the channels of commerce of infringing goods, materials or machinery used in the production of such goods and the closure of facilities where production or trade of infringing goods take place.**

i Effective ☐

ii Deficient ☐

iii Available in the law but not implemented ☐

iv Not available in the law ☐

v Don't know ☐

Justification: .....

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13.2 **PROVISIONAL OR TEMPORARY PROTECTIVE MEASURES to prevent, in a prompt and effective manner, the infringement of an IPR from occurring and/or to preserve relevant evidence in regard to an infringement (such as raids, seizures, suspensions of release into trade channels, provisional closing of facilities, etc.), including, in urgent cases, measures issued *ex parte* (at the request of one party and without previous notification of the other party).**

i Effective ☐

ii Deficient ☐

iii Available in the law but not implemented ☐

iv Not available in the law ☐

v Don't know ☐

Justification: .....

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13.3 **ADMINISTRATIVE MEASURES, adopted by police or other entities, of a nature similar to those described in a) and b) above.**

i Effective ☐

ii Deficient ☐

iii Available in the law but not implemented ☐

iv Not available in the law ☐

v Don't know ☐

Justification: .....

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13.4 **CRIMINAL PROCEDURES, leading to the imposition of deterrent penalties such as fines or imprisonment terms, seizure, forfeiture and destruction of the infringing goods and machinery or materials used in the production of such goods, closing of retails or outlets, etc.**

i Effective ☐

ii Deficient ☐

iii Available in the law but not implemented ☐

iv Not available in the law ☐

v Don't know ☐

Justification: .....

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13.5 **CUSTOMS PROCEDURES destined to prevent imports, exports and/or transit of IP infringing goods, including the availability of a mechanism to lodge preliminary applications by right-holders and the practice of *ex officio* seizures by customs authorities, as well as the granting to right-holders of the right of information and inspection and of the possibility to obtain from the competent judicial authorities the definitive elimination of the infringing goods seized.**

i Effective ☐

ii Deficient ☐

iii Available in the law but not implemented ☐

iv Not available in the law ☐

v Don't know ☐

Justification: .....

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14. What do you consider as the main weaknesses / problems of the current system in place?

☐ Deficient ***legislation***

☐ Insufficient or incorrect ***implementation*** of the TRIPs requirements (in case of WTO members)

☐ Deficient ***enforcement*** of the domestic IPR regulations

☐ Cost of proceedings

☐ Length of proceedings

☐ Uncertainty of the outcome

☐ Possible adverse effects on local business operations (risk of retaliation)

☐ Lack of trained officials

☐ Lack of resources

☐ Lack of political will

☐ Corruption

☐ Other: .....

15. Overall, how has the local IPR enforcement situation evolved in the last 3 years?

☐ Improved

☐ Unchanged

☐ Deteriorated. If so, please explain why:

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16. Please describe the main positive points/improvements:

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17. Have you provided or participated in any enforcement related technical assistance and/or awareness raising initiatives in the country during the period of reference (1 April 2005 to 31 March 2008)? Please provide details.

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18. Are you prepared to work together with the competent authorities in the country in order to assist them in combating IPR infringements? If so, which kind of co-operation would you envisage?

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19. Did you participate in the previous European Commission Enforcement Survey covering the period 1 January 2003 to 31 March 2005?

☐ Yes

☐ No