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Conference on the Enforcement of IPR

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Legal Framework on Intellectual Property Rights Enforcement

- Cooperation and dialogue, but also work to clarify and complement the legal framework
- The EU recently concluded its Free Trade Agreement (FTA) with the Republic of Korea
- This FTA illustrates what a more detailed legal framework can include

The FTA between the EU and the Republic of Korea

- General Obligations & Entitled Applicants
- Civil Enforcement
- Criminal Enforcement
- Online Service Providers
- Border Measures, Co-operation & Codes of Conduct

Civil Enforcement

- Access to Evidence
- The Right to Information
- Provisional and Precautionary Measures
- Injunctions
- Corrective Measures
- Damages and Legal Costs
- Publication of Judicial Decisions

Criminal Enforcement

- Related rights, GI's & Design
- Liability of Legal Persons
- Aiding & Abetting
- Seizure, Confiscation & Destruction
- Protection of Third Parties

On-line Service Providers

- They shall not have a general obligation to monitor or actively seek for illegal activity
- They shall not be liable in cases of mere conduit, caching and hosting, as long as they fulfil certain requirements
- The fact that they are not liable does not exclude the possibility for the court to issue an injunction in a specific case

The End