IP rights are useless without enforcement mechanisms.

Cost and complexity prevent SMEs/individuals successfully enforcing their IPRs. Barriers to ‘access to justice’.

Courts have effects beyond the courtroom: ‘bargaining in the shadow of the law’.

Policy: court paid for from taxpayers' money.

New perspective (small claims, UK) for literature on IP enforcement.
Figure 1: Number of Cases issued

- 2012 (14)
- 2013 (55)
- 2014 (104)

3 months only
Figure 1: Number of Cases issued + Number of Claimants

3 months only

2012 (14)

2013 (39)

2014 (64)
Figure 1: Number of Cases issued
+ Number of Claimants
+ Number of First-Time Litigants

2012 (14)

2013 (36)

2014 (55)

105 litigants

3 months only
Figure 2: Type of Litigants

![Bar chart showing types of litigants: Individual (M), Individual (F), Private Limited Company, Public Limited Company, International Corporate Body, Other: Partnership, Unincorporated Association, Charity, Uncategorisable. The chart compares defendants against claimants.]
Figure 3: Industries of Claimants

- **Photographers**
- **Other (Film, TV, Radio)**

### DCMS Creative Industries

- Advertising
- Architecture
- Art & Antiques
- Crafts
- Design
- Fashion
- Film, Video, Photography
- Interactive Leisure Software
- Music
- Performing Arts
- Publishing
- Software & Computer Services
- TV & Radio
- Non-DCMS Defined Industry

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WP3.2D – Assessing the IP Small Claims Track
www.create.ac.uk/research-programme/theme-3/wp3d2-assessing-the-ip-small-claims-track/
Figure 4: Industries of Defendants
Figure 5: Type of Claim (%)

2012

2013

2014

All

Copyright  Passing Off  Trade mark  Design
Figure 6: Subject of Copyright Claim(%)
Figure 7: Value of Claims

Limit = £5,000 until April 2014, thereafter £10,000

Mean: 37.8% (£1,890 or £3,780)  Mode: 24.7% (£1,235 or £2,470)
Figure 8: Case Timeline in IPEC Small Claims Track

Figure 9: Progress of Cases in IPEC Small Claims Track (%)
Figure 10: Outcomes

Outcome

Judicial Determination
Settlement
Other

Judgment for Claimant
Judgment for Defendant
Procedural Decision

Outcome

Frequency

Hearing
Written Determination
Settlement before Case
Mediated Settlement
Settlement before Judicial Determination
Admission
Terminated - Discontinued at Claimant Request
Incomplete At Sampling
Settlement After Hearing
Conclusions?

Figure 1

Source: Weatherall, K., Webster, E., & Bently, L. ‘IP Enforcement in the UK and Beyond: A Literature Review’ (2009), SABIP Report Number SC001