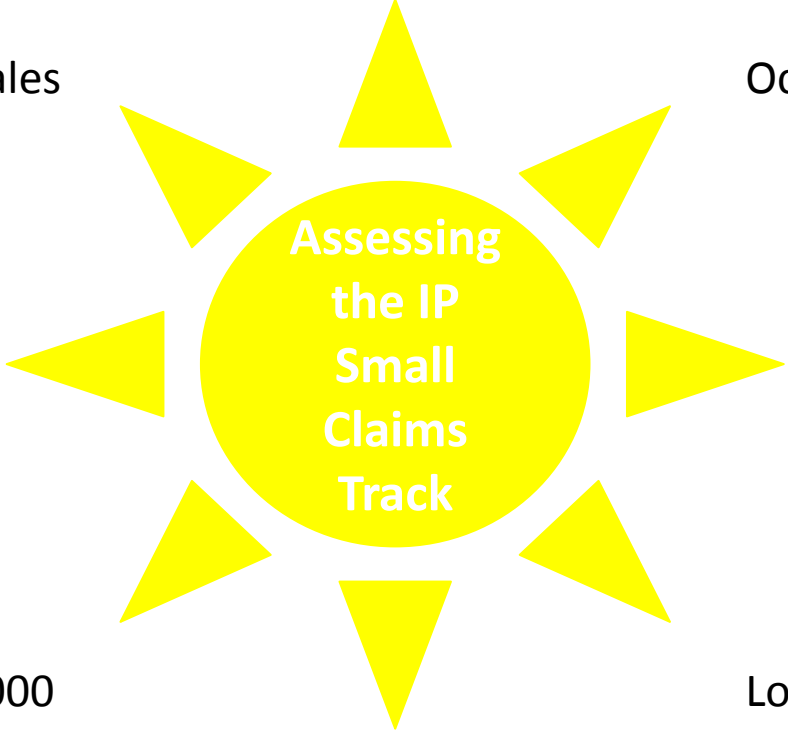


Copyright, Trade Marks,  
Passing off and UDR

England & Wales

October 2012



Assessing  
the IP  
Small  
Claims  
Track

Simplified Civil Procedure

Specialist District Judges

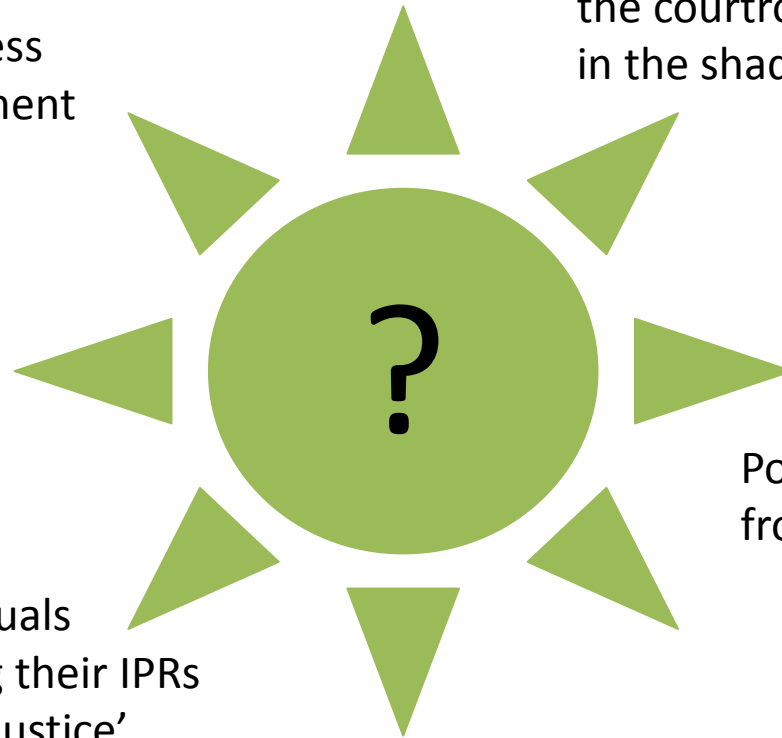
≤£10,000

London

High Court (Ch)  
Intellectual Property  
Enterprise Court

IP rights are useless  
without enforcement  
mechanisms

Courts have effects beyond  
the courtroom: 'bargaining  
in the shadow of the law'

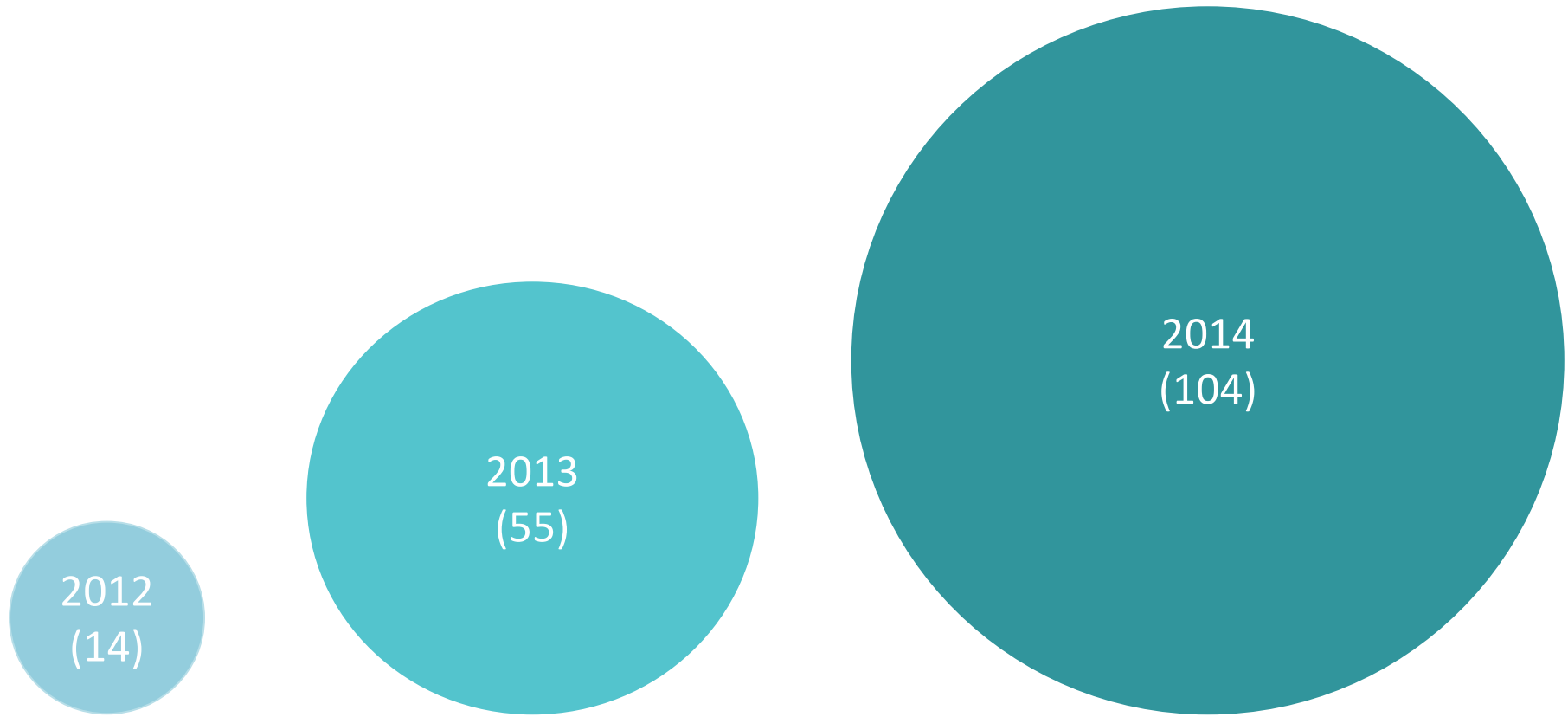


Cost and complexity  
prevent SMEs/individuals  
Successfully enforcing their IPRs  
Barriers to 'access to justice'

Policy: court paid for  
from taxpayers money

New perspective (small claims, UK)  
for literature on IP enforcement

Figure 1: Number of Cases issued



3 months only

Figure 1: Number of Cases issued  
+ Number of Claimants

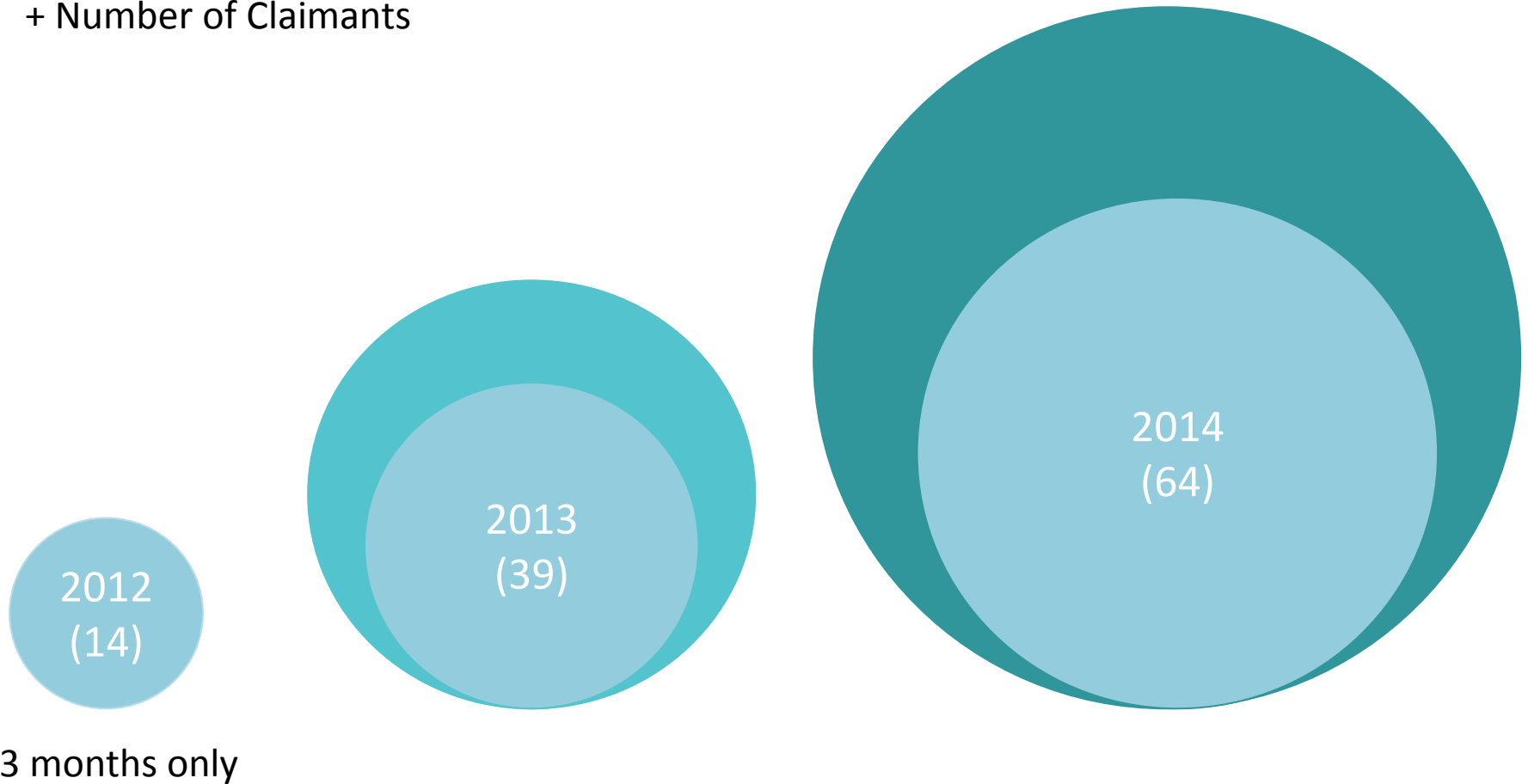
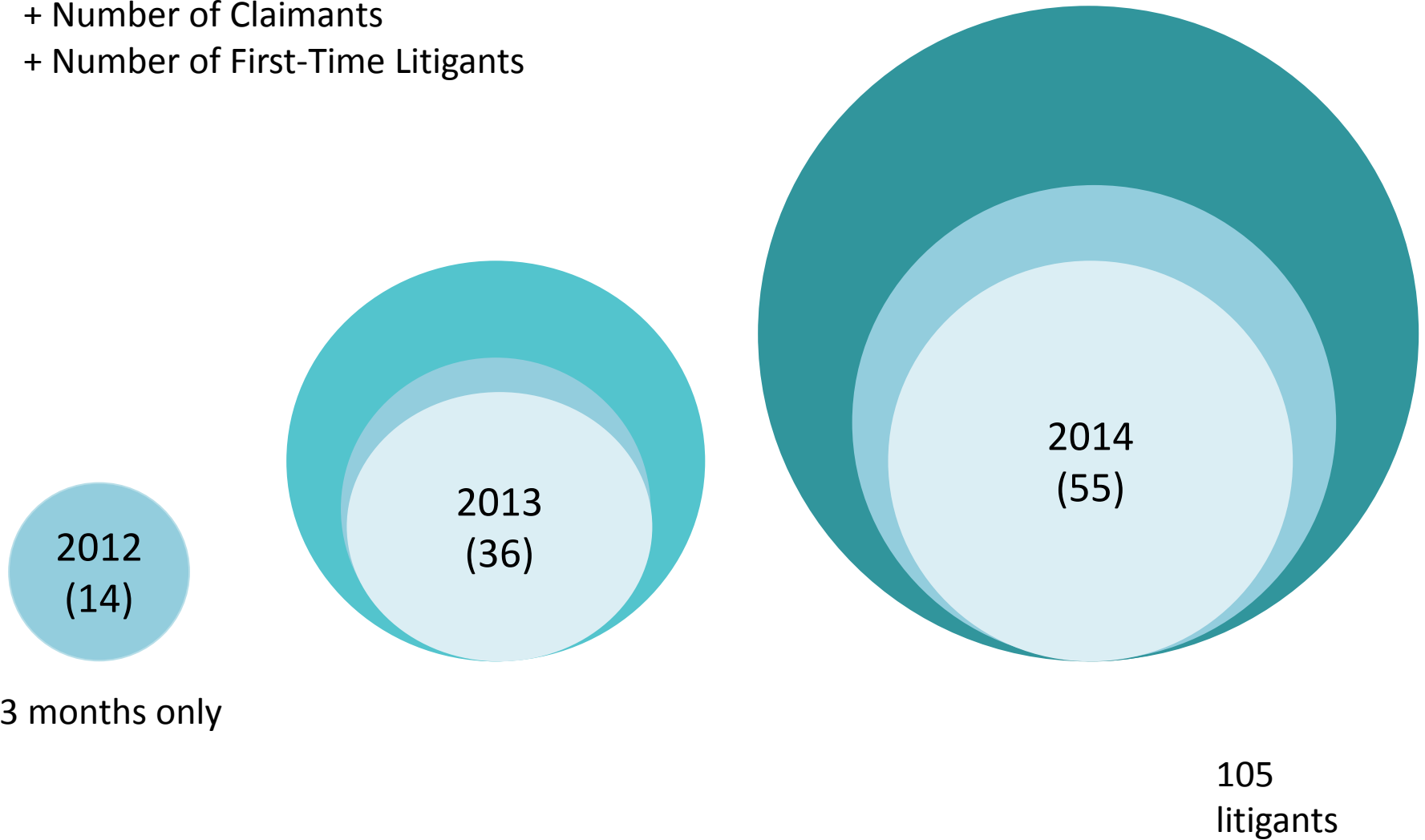


Figure 1: Number of Cases issued  
+ Number of Claimants  
+ Number of First-Time Litigants



## Figure 2: Type of Litigants

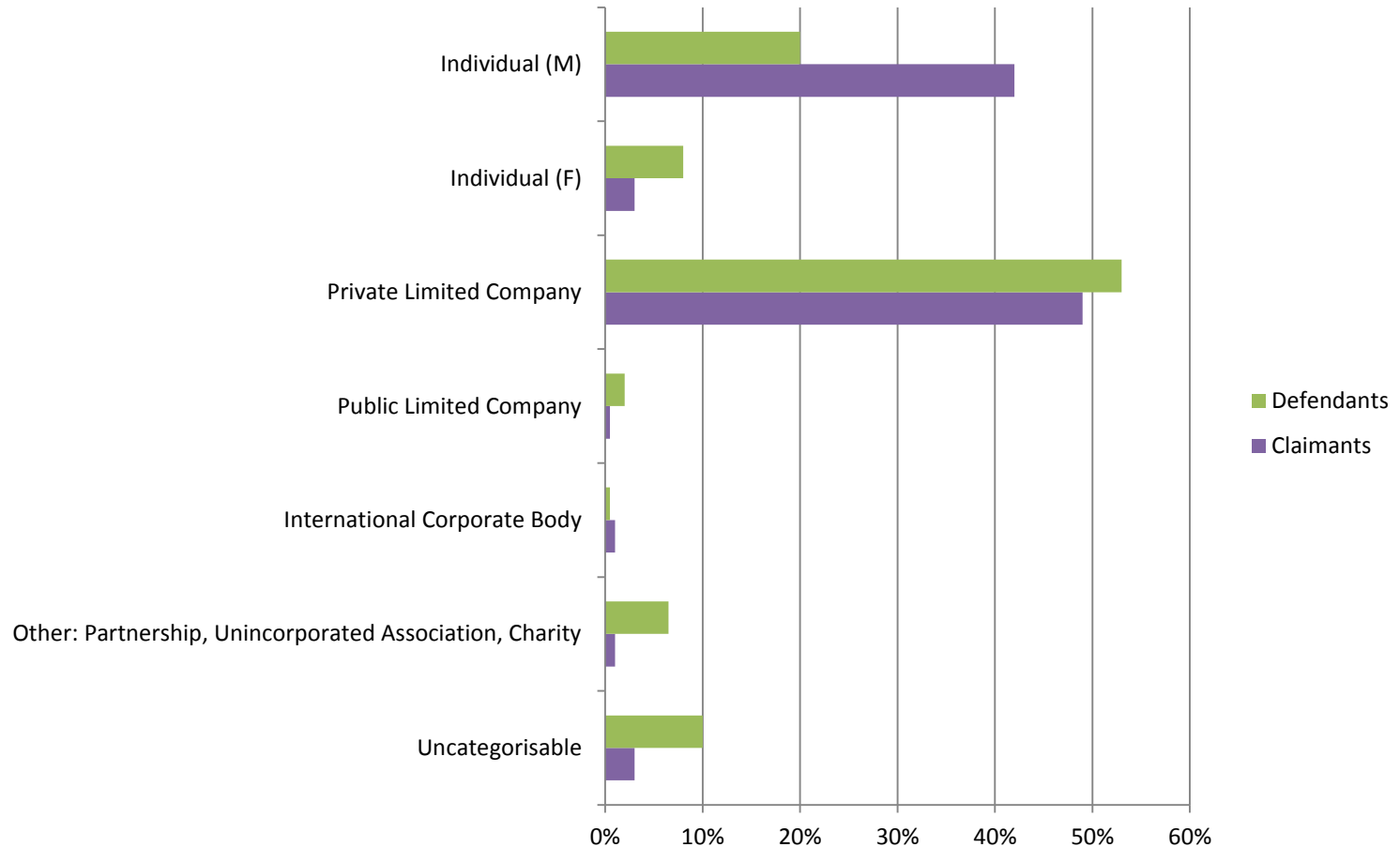


Figure 3: Industries of Claimants

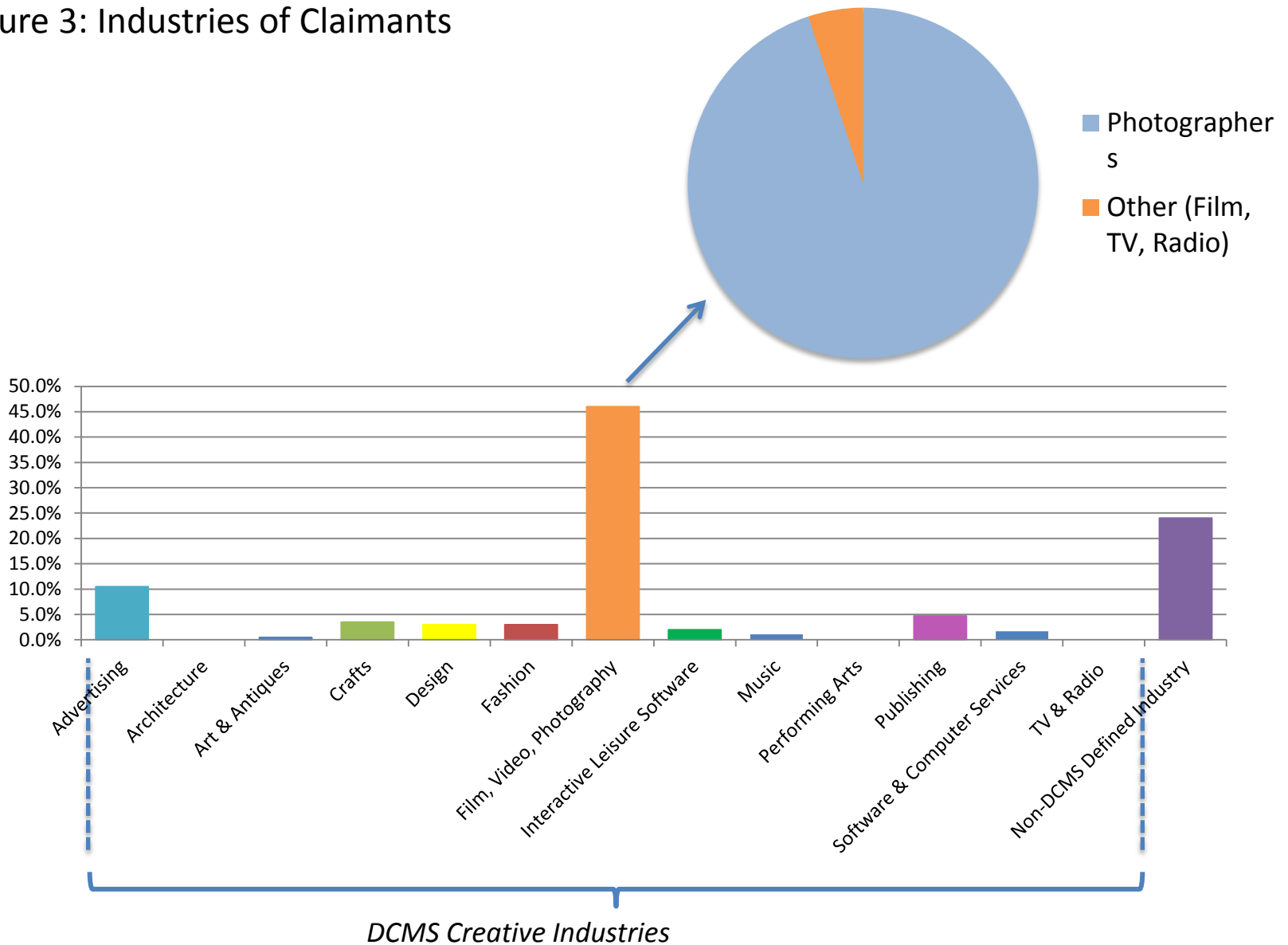


Figure 4: Industries of Defendants





Figure 5: Type of Claim (%)

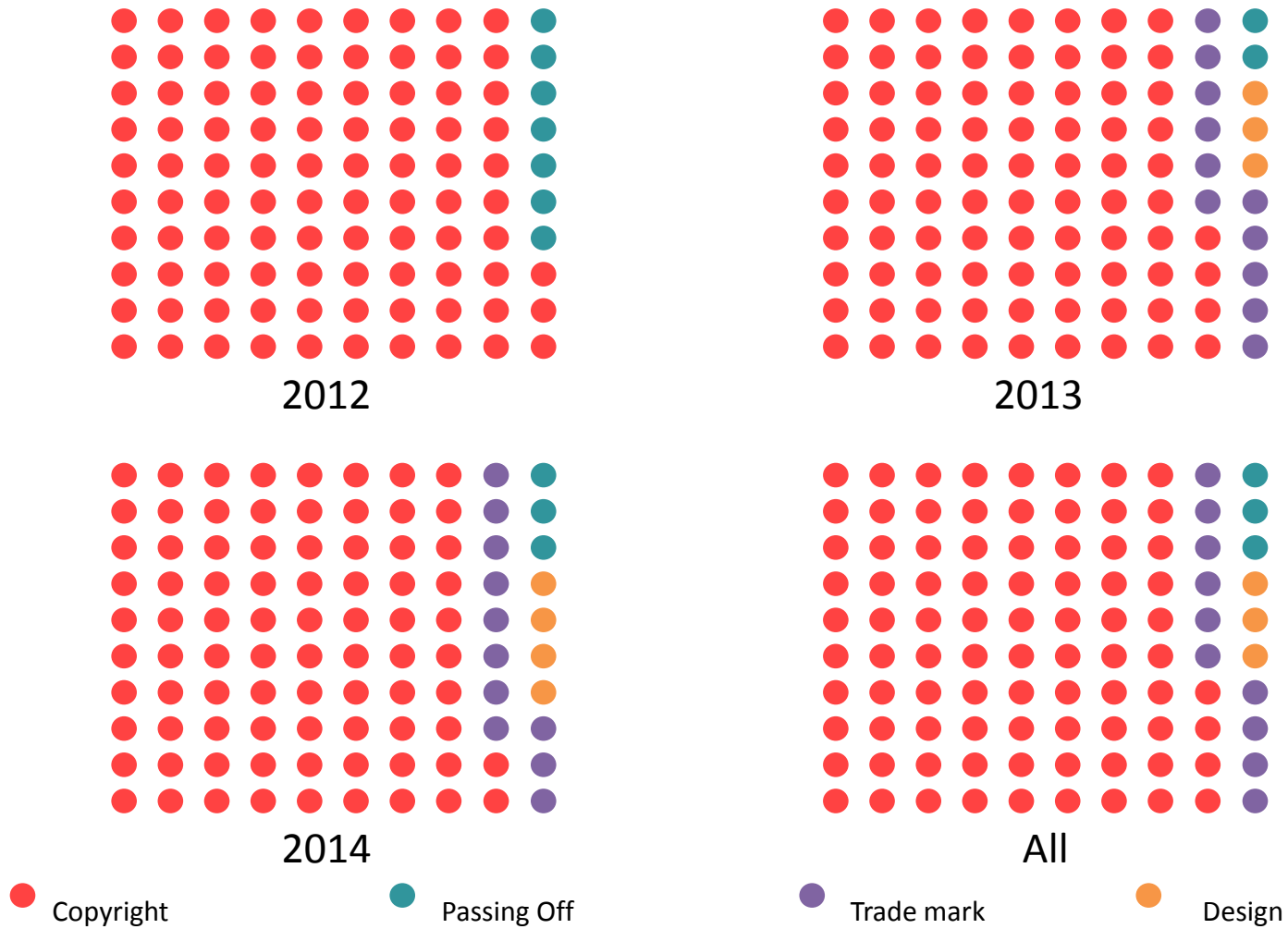
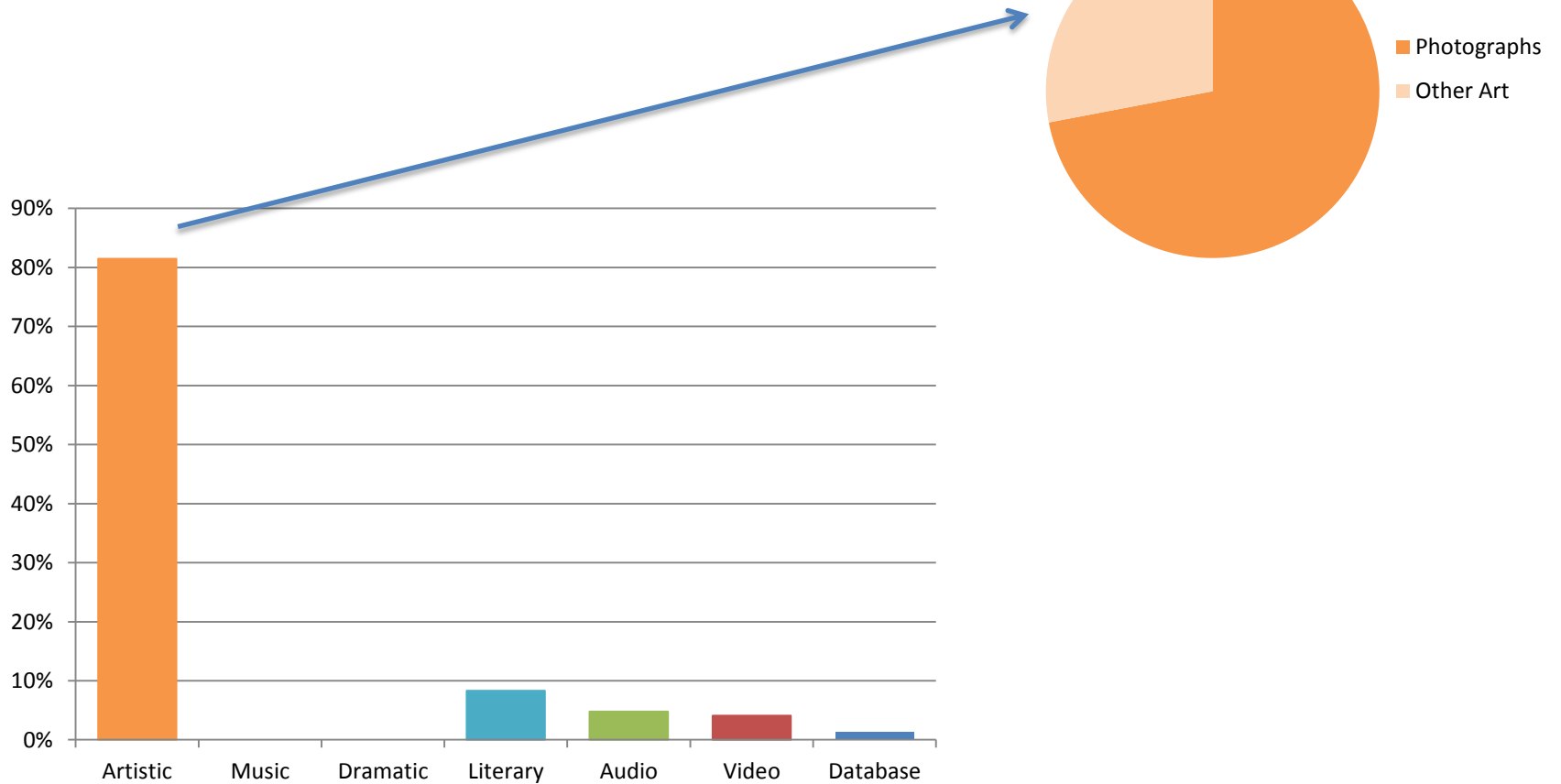
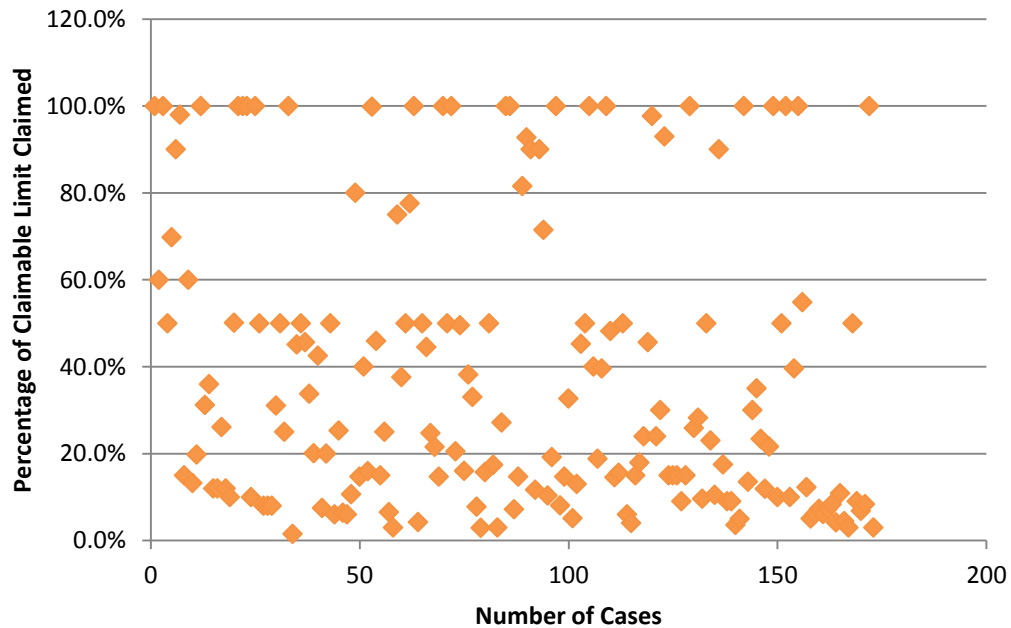


Figure 6: Subject of Copyright Claim(%)



# Figure 7: Value of Claims

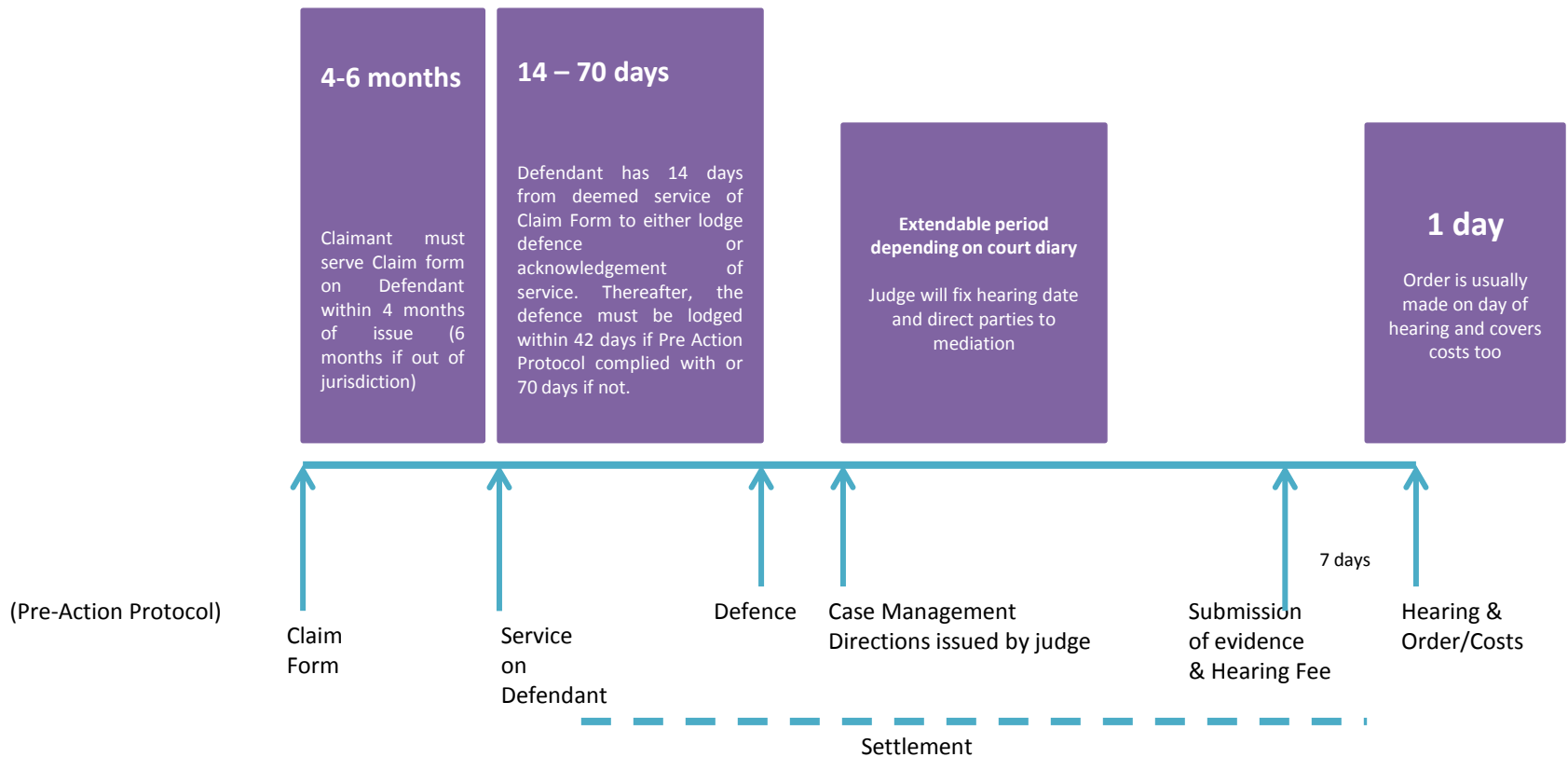
Limit = £5,000 until April 2014, thereafter £10,000



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**



*(Based on timeline for IPEC Multi-track in Helmers, C. & McDonagh, L., 'Patent Litigation in the UK: An empirical survey 2000-2008', (2013) Journal of Intellectual Property & Practice, 8(100), 846-861, at p848 )*

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

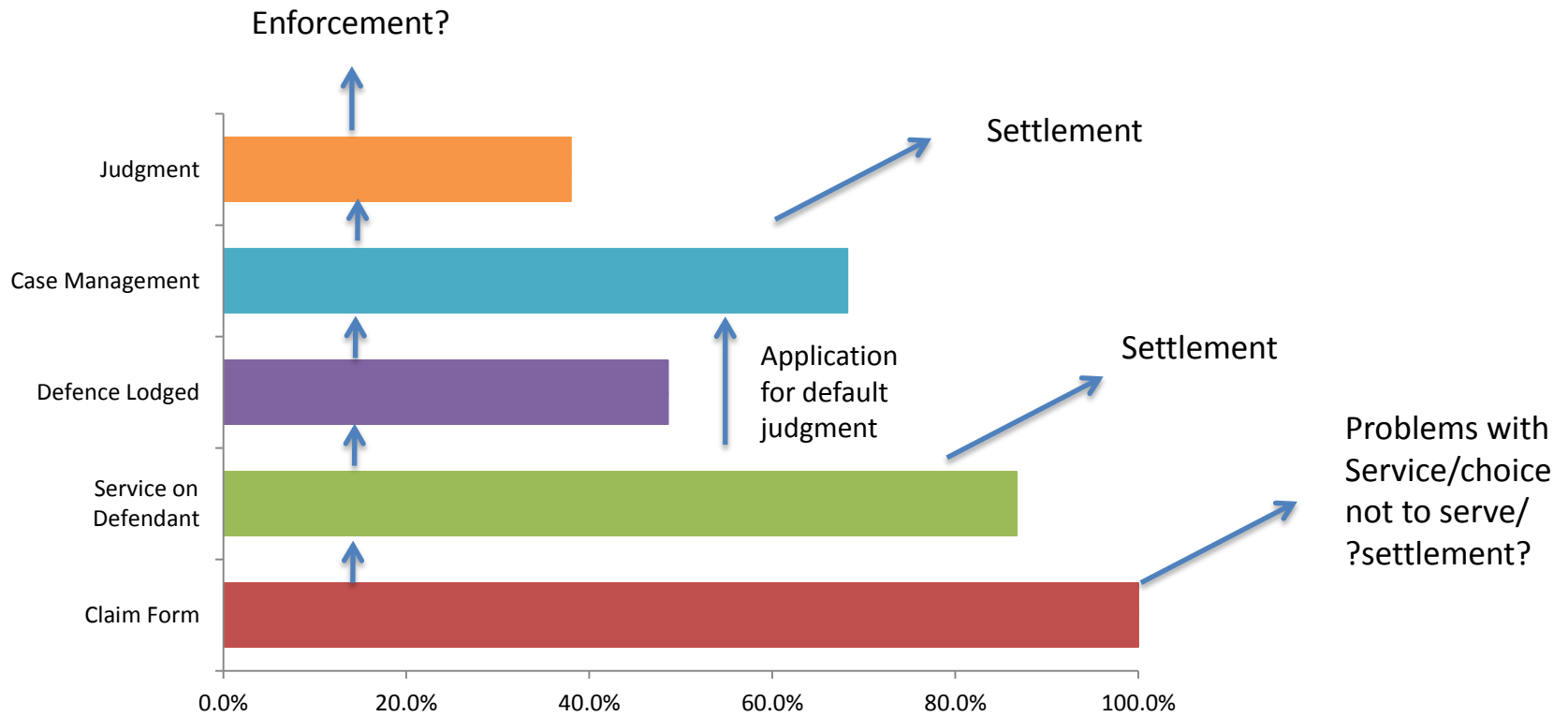
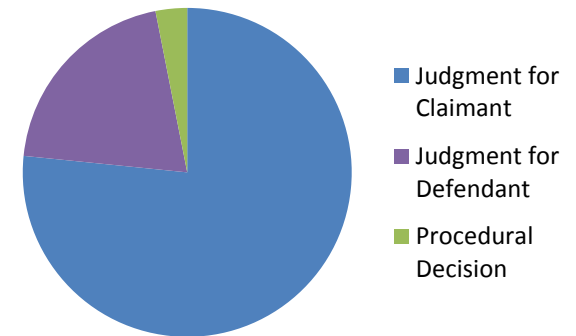
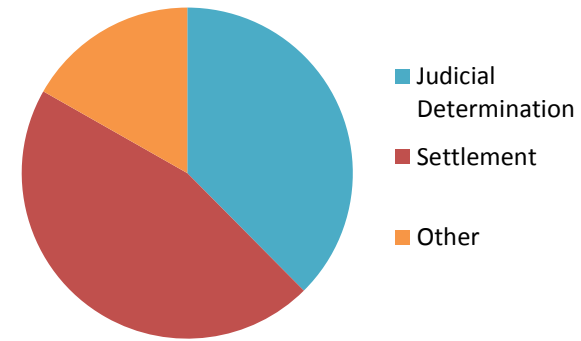
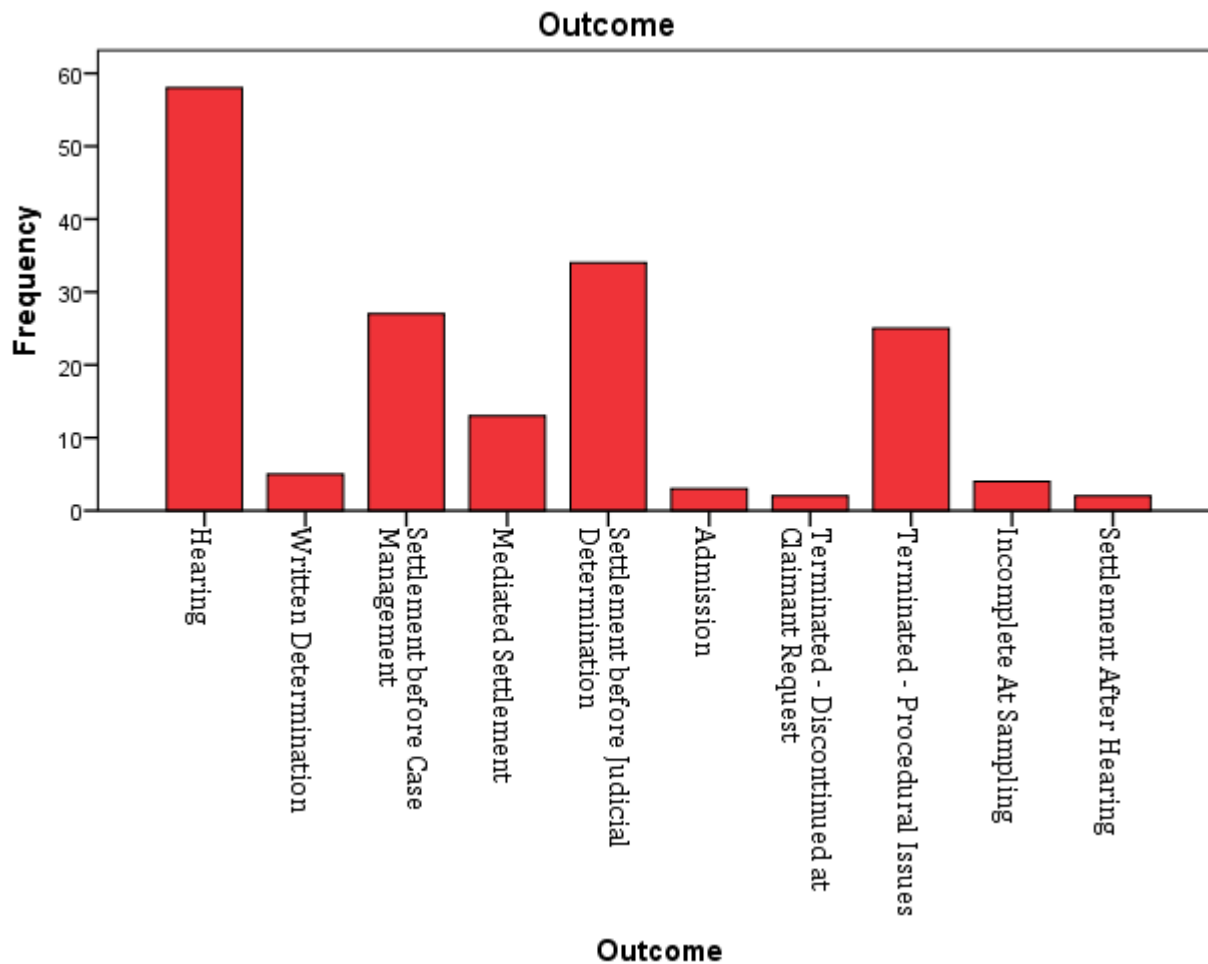


Figure 10: Outcomes



# Conclusions?

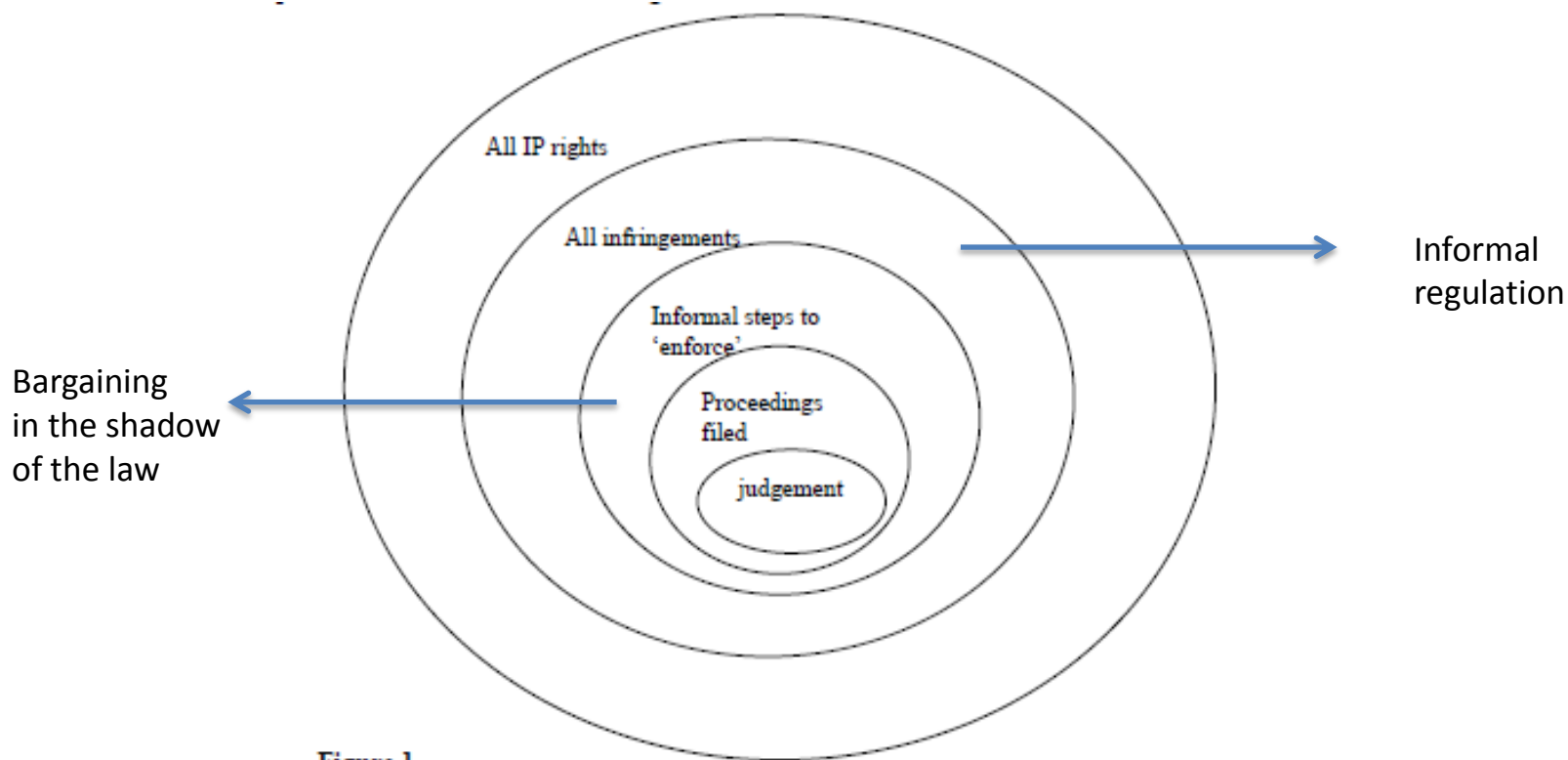


Figure 1

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