

What processes can I use to enforce my IP rights?	Tell me more...	What are the typical costs and timescales?	What are the advantages of this course of action?	And the disadvantages?
Local IP Firm Advice on what can be achieved locally; an essential first step	Lawyer may send infringer a 'cease and desist' letter Mediation: must be attempted as a precursor to litigation in some countries. Particularly useful in cases where a dispute cannot be settled on a worldwide basis Arbitration: an arbitrator is appointed by a court in the role of a judge; more binding and formal than mediation	Cost: low £ hundreds Timescale: a few days Cost: variable, but generally far less than going to court Timescale: mediation may be arranged quickly; arbitration takes much longer	An inexpensive starting point; may be effective against infringers who are not well organised, or (perhaps) ignorant that they are committing an offence Low costs; lack of publicity may be a plus; often non-confrontational and simple, with swift results and 'win-win' outcomes in contract or licensing cases that might be beyond a court's competence	Less effective against habitual infringers; may alert them to a possible raid, allowing them to remove stock or relocate their illegal activities Little publicity often leads to minimal deterrent effect; may be difficult to enforce award of punitive damages
Out-of-Court Procedures Increasingly used in IP cases; there are two main types	Administrative Action In many countries there are administrative enforcement bodies which take action at the request of rights owners; they may also inspect shops, markets and factories	Cost: may be hidden; some countries seek contributions by rights owners towards cost of actions Timescale: usually weeks	May be quick and simple to arrange in countries where this enforcement method is available; most helpful in trade mark infringement and copyright piracy cases	In most countries damages are low or non-existent and meaningful penalties are rare; authorities may be unable to handle complex cases such as patents, which will need to go to court
Civil Litigation Normally a rights owner brings an action against an alleged infringer under the civil code. In some countries there are IP courts where specialist judges hear cases, assisted by technical examiners	This is the standard enforcement method in most countries. Preliminary injunctions are often used to halt the manufacture and sale of illicit goods pending further action	Cost: may be expensive (£'000s) if the case is lost or costs are not awarded Timescale: highly variable; may run to several years	The rights owner has control in bringing the action, whose outcome has the force of law; cases gain public attention so are transparent and easy to pursue, publicising the abuse	The sanctions may fall short of deterrence; the level of damages and/or punitive damages may be meagre; non-specialist courts may struggle with complex cases
Criminal Prosecution Under most penal codes the state brings a case against an alleged infringer; the degree to which a rights owner can influence the process varies from country to country	The 'ultimate deterrent' with the widest benefits for rights owners. Dual offences (eg IP abuse as well as standard goods) may involve even more severe penalties	Cost: measured mainly in management time in court rather than outright cost Timescale: may be many years before first hearing	Can involve stiff sentences with a strong enforcement effect, especially in large or public health-related cases; injunctions and worthwhile damages may be awarded	It is often difficult to get criminal actions started; once under way, they may take a long time and entail costly participation of the rights owner