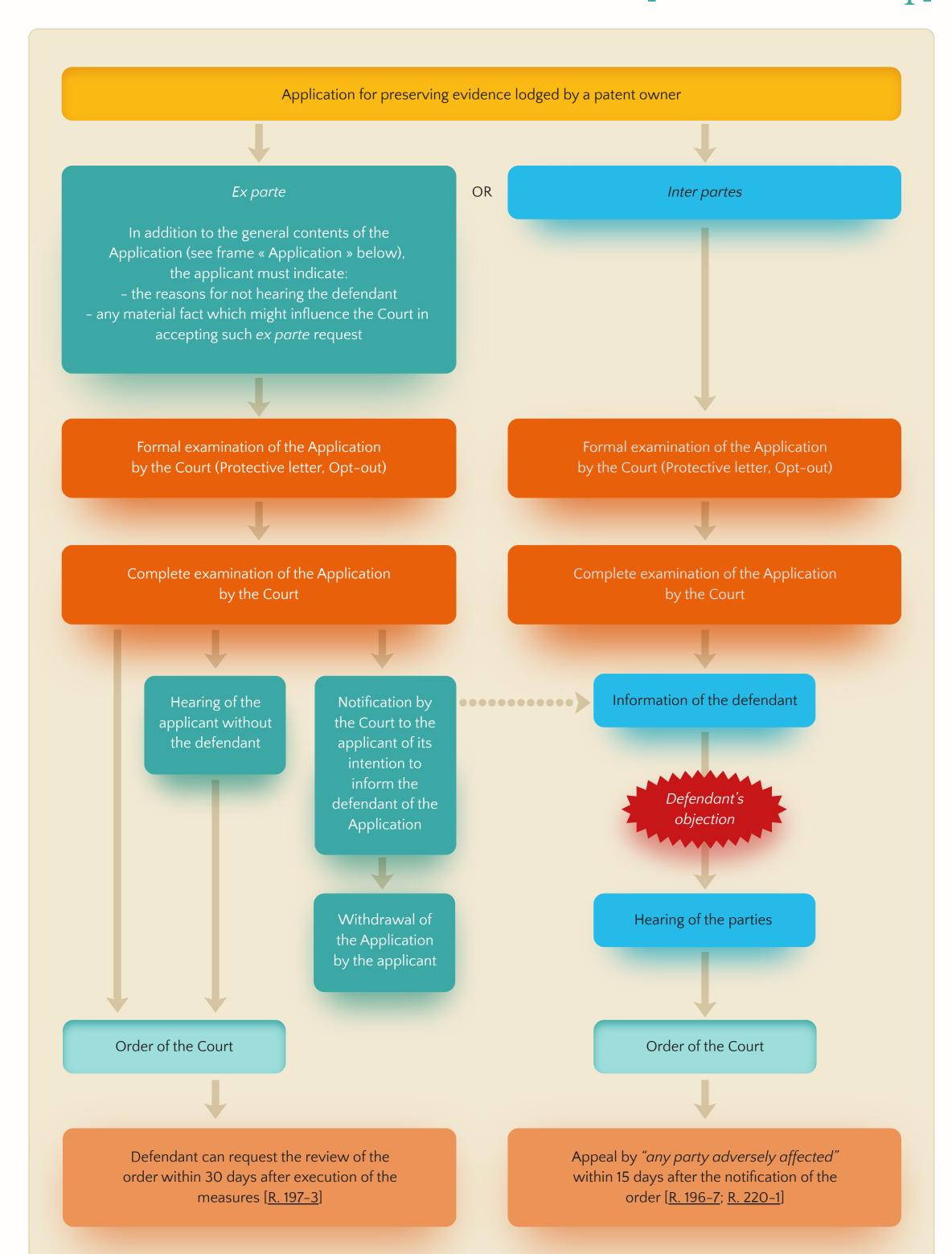


The procedure for preserving evidence [Rules 192 et seq.]



Application

What?

- Particulars in accordance with Rule 13-1 (a) to (i)
 - A clear indication of the measures requested including the exact location of the evidence to be preserved [R. 196-1]
 - The reasons of the proposed measures
- The facts and evidence supporting the Application
 For Application lodged before any action on the merits,
 a concise description of the action to be started before
 the Court

Where?

- At the division where the applicant has started the proceedings on the merits or where it intends to start such proceedings [R. 192-1]

How?

- Through the online IT system of the Court

Order of the Court

What?

- Detailed description, without or without samples
- Physical seizure of allegedly infringing good
 Physical seizure of the materials
 and implements used in the production
 - and/or distribution of these goods
 and any related document
 - Preservation and disclosure of digital media and data [R. 196-1]

Who can proceed with the operations?

A professional person or expert, who guarantees expertise, independence and impartiality
 (no employee or director of the applicant) [R. 196-4]

Limits

- Protection of confidentiality [R. 190-1]
- Adequate security for legal costs, expenses and compensation of the defendant [R. 196-6]
- Revocation of the measures to preserve evidence if the applicant does not bring an action on the merits within 31 days or 20 working days, whichever is the longer, starting from the date of the measures [Art. 60 UPC Agreement]

Find all the relevant texts of the UPC in our "Smart & Interactive Code"

www.upc-casalonga.eu

A free and easily accessible platform to understand and familiarize yourself with the UPC texts

