

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (Text with EEA relevance)

[^{XI}CHAPTER II

MEASURES, PROCEDURES AND REMEDIES

Section 3

Right of information

[^{XI}Article 8

Right of information

1 Member States shall ensure that, in the context of proceedings concerning an infringement of an intellectual property right and in response to a justified and proportionate request of the claimant, the competent judicial authorities may order that information on the origin and distribution networks of the goods or services which infringe an intellectual property right be provided by the infringer and/or any other person who:

- a was found in possession of the infringing goods on a commercial scale;
- b was found to be using the infringing services on a commercial scale;
- c was found to be providing on a commercial scale services used in infringing activities;

or

- d was indicated by the person referred to in point (a), (b) or (c) as being involved in the production, manufacture or distribution of the goods or the provision of the services.

2 The information referred to in paragraph 1 shall, as appropriate, comprise:

- a the names and addresses of the producers, manufacturers, distributors, suppliers and other previous holders of the goods or services, as well as the intended wholesalers and retailers;
- b information on the quantities produced, manufactured, delivered, received or ordered, as well as the price obtained for the goods or services in question.

3 Paragraphs 1 and 2 shall apply without prejudice to other statutory provisions which:

- a grant the rightholder rights to receive fuller information;
- b govern the use in civil or criminal proceedings of the information communicated pursuant to this Article;
- c govern responsibility for misuse of the right of information;

or

- d afford an opportunity for refusing to provide information which would force the person referred to in paragraph 1 to admit to his/her own participation or that of his/her close relatives in an infringement of an intellectual property right;

or

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- e govern the protection of confidentiality of information sources or the processing of personal data.]

Editorial Information

- X1** Substituted by [Corrigendum to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights \(Official Journal of the European Union L 157 of 30 April 2004\)](#).