

## Slovenia

### A route to damages

In Slovenia, the Ljubljana Circuit Court at first instance and the Ljubljana Higher Court



at second instance have exclusive jurisdiction over all disputes concerning intellectual property, including CTM cases pursuant to the EU CTM Regulation. Although there is no official specialised IP court or department, all IP cases are distributed between seven or eight judges in the Commercial Law Department of the Ljubljana Circuit Court. The concentration of IP cases among a relatively small number of judges allows them to specialise in trademark law and follow EU trademark case law. Thus, the judges handling trademark matters are well informed and experienced.

It usually takes more than a year and sometimes up to three years to obtain a judgment at first instance. However, recently the proceedings for temporary measures (eg, preliminary injunctions or temporary seizure and storage of suspect goods) have become quite efficient, so rights holders can now prevent infringement quite quickly (within two to six months) by filing a request for temporary measures alongside or before the filing of an action.

Recently, it has become easier to obtain damages in infringement cases. Even where the rights holder cannot prove the extent of the infringement in order to apply the licence analogy for damages (eg, because the defendant did not provide the court with the requested information and documents), the courts are now more willing to award damages by exercising their discretionary right to determine the extent of the infringement by themselves.

