

CLAIMS:

That the District Court of The Hague, in its judgment, including the order to pay the costs of the proceedings, will order that the judgment be provisionally enforceable to the extent possible:

1. declare that the design of the HANG sound sculpture depicted and described in the body of this writ of summons enjoys copyright protection in the Member States of the European Union, at least in the Netherlands;
2. declare that by producing, trading, advertising, offering for sale, selling and/or delivering the Infringing Product pictured and described in the body of this summons in the Member States of the European Union, or in any event in the Netherlands, the defendant has infringed the copyrights of the claimant with regard to the design of the HANG sound sculpture depicted and described in the body of this writ;
3. order the defendant to cease and desist, within 24 hours after service of the judgment to be rendered in this case, from any further infringement in the European Union, or in any event in the Netherlands, of the copyrights to the design of the HANG sound sculpture as described and depicted in this summons, more specifically to order the defendant to cease trading, producing, advertising, offering for sale, selling and/or delivering the Infringing Products as described and depicted in the body of this summons;
4. to order the defendant, within 10 working days after service of the judgement to be rendered in this case, to have all Infringing Products and Infringing Materials it has in stock, including in any case all Infringing Products and Infringing Materials that have been seized at the request of PANArt, destroyed by an independent third party and under the supervision of a bailiff at its own expense, and to send the report of this destruction drawn up by the bailiff to the lawyers of the plaintiff within 5 working days after destruction;
5. order the defendant to provide, within 14 days after service of the judgment to be rendered in this case, a statement certified by an independent chartered accountant - on the basis of an examination to be carried out independent ly by that chartered accountant - to the plaintiff's counsel, (*PANArt's lawyers*) together with all relevant documents in support of that statement, concerning

- a. the total number of the Infringing Product, specified by version, that the defendant has produced or had produced;
 - b. the total number of the Infringing Product, specified by version, that the defendant has purchased;
 - c. the total number of the Infringing Product and the total number of Infringing Materials, specified by version, that the defendant has in stock;
 - d. the total number of the Infringing Product, specified by version, that the defendant has sold;
 - e. the purchase price, production price and sales price of the Infringing Product, specified by version,
 - f. the total profit made by the defendant from the marketing of the Infringing Product;
 - g. the full name(s) and address(es) of the supplier(s) and/or product(s) and/or any third party(ies) involved in the production and marketing of the Infringing Product;
6. order the defendant to pay the plaintiff a penalty of €10,000 (in words: ten thousand euros) for each day, including a part of the day, on which the defendant remains in default of full or partial compliance with the orders claimed under 3, 4 and/or 5, or - such at the plaintiff's option - for each act that constitutes a full or partial violation of one of the orders claimed under 3, 4 and/or 5;
 7. order the defendant to pay to the plaintiff the damage suffered by it as a result of the infringing conduct described in the body of this summons, to be assessed and settled in accordance with the law, together with interest at the statutory rate from the date of the summons until the day on which payment is made in full;
 8. order the defendant to pay the full costs incurred by the plaintiff in these proceedings, including lawyer's fees (which will be specified at a later point in the proceedings) or another amount to be determined by the court in good faith to compensate for the reasonable and proportionate legal costs incurred by the plaintiff as referred to in Section 1019h Code of Civil Procedure.