



You may also need to reflect on **who** the relief is for and what this may mean. Is your relief tied to the individual, group, community, or organisation you represent? Or do you want your relief to extend to similarly affected persons or groups who may not have participated in the litigation? These questions must be asked at the outset and are intrinsically linked to what we are trying to achieve and why.

### Case study: collective redress

When considering who the relief is for it is also important to reflect on developing processes or options for redress, who can ask for redress, what relief may be obtained, and who the relief will impact. For example, the European Union (EU) and some EU jurisdictions have recently introduced means of collective redress. In Germany, recognised consumer associations can file so-called “[Model Declaratory Actions](#)” on behalf of consumers while the General Data Protection Regulation (GDPR) provides for [representative action](#) by non-profit bodies in cases of data protection breaches. Going forward, these new types of collective redress may open up new forms of collaboration between digital rights organisations and individuals, and may allow you to craft your remedy to envisage broader redress.

**Guideline 7:** The relief sought – and how it is crafted – can impact the order of the court. Remedies should therefore be clear, concise, and drafted in the court papers using plain language.

While there are common forms of relief, often crafted in particular ways, the need for specificity in crafting remedies should not limit creativity. Strategic litigators – particularly in the digital rights space – are often path-beaters engaging in novel legal disputes. As a result, they often need to be creative in their approaches and in the crafting of their remedies. Equally, strategic litigators should be cognisant that judges and opposing parties may not have dealt with similar matters in the past.

**Guideline 8:** Crafting remedies is an art. It requires precision, creativity, and a propensity to consider both short- and long-term outcomes.