



**Your trade fair  
presentation in Germany**  
– Are you prepared for legal  
challenges?



Does your company participate in a trade fair in Germany?

### Be prepared for possible legal challenges

A trade fair gives you the opportunity to present your own goods and services, explore the sector's new trends and establish new contacts. However, beware that exhibitors are frequently confronted with legal challenges, such as

- **infringement** of patents, trademarks, copyrights, registered designs, utility models and other industrial property rights (“IP rights”);
- **misleading** advertising or false statements by competitors doing harm to your business;
- **violation** of confidentiality obligations and restraints on competition;
- **preliminary injunctions or seizure proceedings.**

Dealing with such problems will have a negative impact on your success at the trade fair.

In such a case, it is often crucial to **react immediately** and accurately on these complex matters in order to take the **necessary legal steps** without delay.



Avoid wrong decisions and do not hesitate to contact us in order to **maximise your success** at the trade fair. A court decision to your business' advantage will be of little help as it is usually made months or even years later.

Additionally, foreign trade fair participants often return to their home country immediately after the fair. Therefore, subsequent court proceedings will be delayed and a later enforcement of the court decision often turns out to be difficult in practice.

**Our advice: Be prepared for possible legal disputes as thoroughly as for your trade fair presentation.**



Fully concentrate on your business during the trade fair

### Let us take care of legal matters in advance

Even if legal challenges cannot be fully prevented during trade fairs, a good preparation of the legal aspects will considerably reduce the time you will have to spend:

- Ensure that you have applied for all **IP rights** possible and that you are either the originator of the products, goods or services presented at the fair or that you can prove respective **licences**.
- Provide **proof of IP rights** (e.g. copies of the registration and application for trademarks, registered designs and utility models; affidavits and documentation about the development process in case of copyrights).
- For third-party IP rights, **copies of licensing agreements** or affidavits will be useful.
- Contact us in advance to make the necessary preparations and discuss availability during the trade fair. We are **experienced in trade fair IP conflicts**, know the competent courts, authorities and trade fair managers and we can instantly react in case of a dispute during the trade fair.

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- Past experience has shown that in case of **product piracy** it is very important to have a law office with a branch abroad or which closely cooperates with foreign law offices so that – especially in Eastern Europe and Asia – delays and language barriers can be avoided and border seizures prepared more effectively.
  - If, before the trade fair, you become aware of **intended IP infringements** to be expected during the trade fair, we can prepare the respective judicial and extra judicial measures in time.

## What to do in a potential dispute at a trade fair?

### Ensure that all necessary documents are available

In case of infringement of intellectual property rights during the trade fair, immediate action is essential. Therefore, prepare the required documentation in order to avoid any delays:

- Take copies of any **proof of IP rights** as well as the original affidavits to the trade fair or deposit them at our office.

- In case that **warnings, court / authority decisions or judgments** have been issued against your competitors or they have already delivered a **cease and desist declaration** with a penalty clause, make sure such documents are available at your booth at any time.

In order to document evidence during the trade fair, you should always have a fully charged and functional **camera** with you. A smartphone with camera function should be sufficient and has the advantage to attract less attention.

Make sure **our contact details** are available to your employees working at the trade fair in order to be able to contact us without delay.

### **IP right conflict: Infringement of your IP rights or unfair commercial practices by competitors?**

#### **How to stop infringement during the trade fair**

If you discover that one of your competitors infringes your IP rights, we are able to obtain a preliminary injunction from the court **within a few hours** to immediately stop the infringement at the trade fair.



What you can do:

- Secure **proof material** of infringing acts (internet screenshots, photos, advertising material, etc.) – also **witnesses** are important.
- Identify the **infringing entity or person** (name / address, in most cases to be found in the trade fair catalogue).
- **Notify** us and provide us with collected material.

We will review the case and then immediately discuss with you the **most effective strategy to stop infringement**. Once we have the necessary proof material at hand, we are able to submit to court a motion for a **preliminary injunction within hours**.

Enforcement:

- A **bailiff** will deliver the preliminary injunction to the infringer on our behalf, seize the infringing objects or might even close the booth.
- In case of continuous infringement, the court will order a **fine** of up to EUR 250,000 upon our request.
- To secure your claim for reimbursement of procedural costs, it is possible to have the bailiff collect a security amount or seize **further goods displayed** by the infringer.



Have you already been accused of an infringement before the trade fair?

### Possible defence strategies

Avoid injunctions at or right before the trade fair that stop you presenting any of your products. It is possible to inform the court in advance with a **caveat** presenting your arguments why the case is unfounded. In most cases the court will consider your reasoning when deciding on the case. Moreover, upon receipt of a caveat, the court tends to hold an oral hearing before issuing an injunction which helps you a lot to delay a negative court order.

- Forward us the documentation stating **your competitor's accusations**.
- We give you the necessary advice and identify the information and documents required to **protect your interest**.
- In most cases our work is to file a caveat with the court to ensure that your **trade fair activities are not affected**.

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- From our experience, it is also possible to **settle infringement disputes on an amicable basis** during the trade fair, at least in some cases.
  - If **other defence strategies** prove either to have more chances of success or to be more useful (e.g. the delivery of a cease and desist order with a penalty clause or a court settlement), we provide you with the respective advice.

An injunction is delivered to you during the trade fair?

**Then every minute counts!**

A preliminary injunction is a court order that usually prohibits you from committing a certain – allegedly illegal – act (such as unfair advertising activities, infringement of trademark law, patents or copyrights). Irrespective of your agreement or disagreement with the court's decision, it is binding once delivered to you. Therefore, it is essential to remove the injunction as quickly as possible.

- **Notify us immediately** and send us the preliminary injunction together with all further court documents.

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- First **implement the injunction** since otherwise severe penalties (a fine or imprisonment) may be imposed.
  - Together with you, we will develop a legal strategy for the subsequent approach and will **represent you in the opposition proceedings** against the injunction.
  - Any **press releases** or other public statements related to the injunction should be discussed not only with your Public Relations Department but also with us.
  - Keep enough cash ready at your trade fair booth to pay off the attorney and court fees, since otherwise your opponent with the help of a bailiff may **seize products** presented at your booth in order to secure his claim for reimbursement.

## Our IP experts are ready to support you!

We will be glad to answer any of your questions in advance via e-mail or telephone and to **come to your booth** at the fair to provide you the necessary support:



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Visit our website and find out more about our expertise as well as our experts.



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