Enforcement of Intellectual Property at Trade Shows:
A Comparative Perspective

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USPTO Roundtable on Intellectual Property and Trade Shows
October 2017
IP Enforcement at Trade Shows

• **Enforcement Routes:**
  - Judicial proceedings
  - Trade show ADR mechanisms
  - Other routes (e.g., customs measures)

• **Challenges:**
  - Speed (ex parte measures)
  - Expertise
Examples of Courts with Accommodation Practices

• Landgericht Braunschweig, Patentstreitkammer
  – Bereitschaftsdienst for Hannover (since 1967)

• Landegricht München I (Munich)

• Commercial Courts of Barcelona
  – Protocolo de Actuación Rápida (since 2015)

• Protective letters (Schutzschriften)
  – E.g., Germany, Switzerland, the Netherlands, Spain, France
Examples of Trade Show ADR Mechanisms I

Baselworld IP Dispute Resolution Panel

- Basel, Switzerland, since 1985
- A mandatory mechanism for exhibitors
- Design, trademark or other indication of source, copyright, and unfair competition under Swiss law (no patents starting 2016)
- A panel of six voting members, including three Swiss lawyers and two industry experts (status in 2017)
- Immediate removal from the trade show, prohibition of sales at the trade show, closure of the exhibition booth, exclusion from future shows
- In 1985 – 2016, a total of 873 complaints (9 – 50 per year)
Examples of Trade Show ADR Mechanisms II

Palexpo/WIPO Fast-Track IP Dispute Resolution Procedure

• Geneva, Switzerland, since 2015
• An optional mechanism
• Design, trademark, copyright, and unfair competition under Swiss law (no patents)
• An Expert Panel (a one-member Panel) appointed for each case from a WIPO list of experts (WIPO Arbitration and Mediation Center)
• A provisional removal, a cease and desist declaration, a closure of a stand, a removal of item(s), a stop to the sales of item(s), performance of other legal obligations
• As of August 2017, three cases filed, one case decided


Both articles will be available on SSRN before the end of 2017.
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