



# Enforcement of Intellectual Property at Trade Shows: **A Comparative Perspective**

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**USPTO Roundtable on Intellectual Property and Trade Shows**

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# 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)
- **Landgericht 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



Marketa Trimble, *Enforcement of Intellectual Property Rights at Trade Shows: A Review and Recommendations* (forthcoming 2018)

Marketa Trimble, *Temporary Restraining Orders to Enforce Intellectual Property Rights at Trade Shows: An Empirical Study*, 83(4) Brooklyn Law Review (forthcoming 2018)

Both articles will be available on [SSRN](#) before the end of 2017.



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