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Low level of judicial activity during the 2021 Mobile World Congress

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As readers familiar with the telecoms sector will be well aware, Barcelona hosts every February the Mobile World Congress (“MWC”), the most important international trade fair in this field. Due to the pandemic, last year the organizers decided to cancel the show scheduled for February 2020. This year, a downsized version of the MWC was held between 28 June and 1 July 2021.

To help resolve in an expeditious way intellectual property disputes that may arise during the MWC, 7 years ago, the Commercial Judges of Barcelona decided to approve a Protocol that seeks to guarantee that cases are resolved within extremely short time frames. This year, on 5 May 2021, the Commercial Judges of Barcelona held a meeting with the Commercial Judges of Alicante, who have competence to hear cases dealing with EU trademarks and designs, and agreed the following measures: a) to give priority handling of intellectual property and unfair competition cases relating to products to be exhibited at the fair; b) to resolve preliminary injunction applications conducted “*ex parte*” within 48 hours and those conducted “*inter partes*” within 10 days, provided that a protective letter had been filed; c) to decide on the admissibility of protective letters within 24 hours; d) to hold hearings via remote connection; and e) that the Barcelona Commercial Courts would immediately enforce any preliminary injunctions and/or other urgent measures approved by the Alicante Commercial Courts in cases involving EU trademarks and/or designs.

On 2 July 2021, the Barcelona and Alicante Commercial Courts published a report on the level of judicial activity during this year’s MWC. Not surprisingly, due to the smaller size of this year’s show, the number of cases decreased by 36 % in comparison with the 2019 MWC. In particular, the following data stands out: a) 16 protective letters were filed and admitted within 24 hours (15 in patent cases and 1 in a trademark case); b) the Alicante Commercial Courts dealt with 1 case involving an application for an “*ex parte*” preliminary injunction based on an EU trademark, which was granted ; c) no applications for “fact-finding procedures” (i.e. “*saisie-contrefaçon*” type of inspections) or preliminary injunctions were filed.

All in all, a low level of activity commensurate with the downsized dimension of the show. Hopefully, the pandemic situation will have improved by 2022, bringing the normality that we all are looking forward to, also back to the Mobile World Congress.

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