
Kluwer Patent Blog

On police seizures

Thomas Musmann (Rospatt Osten Pross) · Friday, September 13th, 2013

by Hetti Hilge

The District Court Cologne made some interesting remarks on the requirements of a seizure by the police on a trade show (decision of 6 May 2013, 116 QS 12/13 an, 116 Js 788/12). Under German law, a willful patent infringement constitutes a criminal act so that the public prosecution and the police are generally competent to investigate. On trade shows, seizures of products which are alleged to infringe patents or other IP rights are often based on criminal law, and for some trade shows the police are present during the whole time in order to be able to act promptly. As the police officers regularly have no detailed knowledge of patent law, they usually rely on the partial explanations of the patentee and assess whether these are plausible. Of course this bears a considerable risk of misuse as the right owners who are the competitors of the concerned exhibitors have a certain and potentially abusive own interest that their competitors are precluded from exhibiting their products. This has now also been set out by the District Court Cologne that had to decide on the appeal concerning the illegality of a seizure of children's play yards and the searching of the booth by the police. The court further made it clear that the police generally cannot act at its own discretion but – except for very exceptional cases of imminent danger – needs to obtain a search order by the investigating judge first.

Hetti Hilge

rospatt osten pross – Intellectual Property Rechtsanwälte

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).

Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Friday, September 13th, 2013 at 3:05 pm and is filed under [Enforcement, Germany](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.