

Kluwer Patent Blog

Patent Judges of Barcelona prepare for the 2016 Mobile World Congress

Miquel Montaña (Clifford Chance) · Friday, February 5th, 2016

The Mobile World Congress (“MWC”) is one of the largest trade events taking place in Barcelona. Due to its importance, all relevant institutions, including regional and local governments, do their very best each year to help make the event as successful as possible. These efforts have resulted, for example, in the construction of a new subway line about to be inaugurated which connects the city to the airport.

Last year three Patent Judges made their own contribution to the value that a city can add to this type of event, by drafting a Protocol aimed at introducing a “fast-track” procedure to deal with applications for preliminary injunctions filed before or during the Congress. In this Protocol, which has just been renewed for the 2016 MWC, due to take place at the end of February, the Judges have agreed on a number of measures of which the following stand out:

- 1) Granting preferential and priority processing to applications for urgent preliminary injunctions (with – *inter partes* – or without – *ex parte* – hearing the defendant) in relation to technological patents and industrial designs relating to products which are to be exhibited at this event, as well as acts of infringement of trademarks and copyrights, and unfair competition and unlawful advertising acts in relation to products and materials which are on display at the MWC.
- 2) Admitting the submission of protective writs in order to avoid, to the extent possible, the adoption of *ex parte* preliminary injunctions. This will enable the potential defendant to make its allegations in advance and be available to appear in Court immediately if an application for *ex parte* preliminary injunctions is filed.
- 3) Resolving applications for *ex parte* preliminary injunctions within 2 days as from the date they are received by the Court or within 10 days if a protective writ had been filed, after having held a hearing within the 10-day term.

Finally, the Protocol also states that “*although the MWC is the most relevant event, throughout the year the city of Barcelona also holds numerous professional Congresses and Trade Fairs in sectors directly or indirectly involving industrial and intellectual property rights which might need a quality legal response, and need matters to be resolved effectively within reasonable timeframes.*” Therefore, the Courts have agreed that “*at the request of any public or private institutions, provided the request is made with sufficient notice, the Barcelona Commercial Courts*

place themselves at the service and disposal of the same in order to adapt and extend the Protocol approved for the MWC to other professional Congresses and Trade Fairs held in 2016.”

As for 2017, the Judges are already working on the possibility of creating a registry of “Procurators” (i.e. party representatives before the Courts) so that they can be immediately notified of any applications for preliminary injunctions, which would streamline the procedure even further. Needless to say, if this registry is finally established, it will be prudent for companies fearing that a third party might file an application for a preliminary injunction against them to grant a Power of Attorney to a “Procurator” based in Barcelona so that his or her name can be included in the relevant registry.

All in all, hopefully these little measures will contribute a further grain of sand to make the Congress more attractive for companies attending the MWC.

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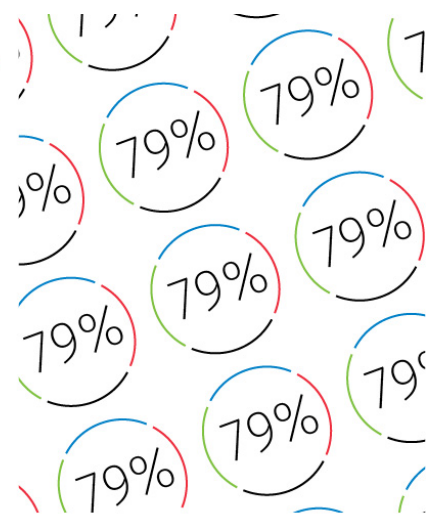
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