

## Immediate action against the exhibition of pirated goods.

Pirated goods exhibited at trade fairs affect the manufacturers of original goods in a particularly drastic way. The infringements are mostly unexpected and occur at the most unfavorable time, since the success of one's own trade fair presentation is endangered by the exhibition of cheap plagiarized goods.

Thus, the original manufacturer requires immediate legal help which ideally results in the removal of the plagiarized goods even before the opening of the trade fair. The preliminary injunction proceedings before the courts and the increasing awareness of the regulatory and prosecuting authorities provide effective means in Germany.

### Recommended action against the exhibition of plagiarized goods.

- Check the booths of your main competitors before the opening of the trade fair.
- Avoid direct contact with the exhibitors of plagiarized goods, so that they cannot prepare themselves for possible measures.
- Collect evidence such as photos and videos of the booth and in particular of the infringing products. Show the booth to other witnesses. Take product samples and catalogues from the booth if possible.
- Have samples and pictures of your own original products ready, so that they can be compared with the plagiarized products within the scope of the legal examination.
- Contact a lawyer specialized in intellectual property law to take effective action against plagiarized products as soon as possible.

### The measures available.

The lawyer you have contacted will discuss with you which of the following measures are promising in your case:

- Filing a motion for a preliminary injunction against the infringer with the competent court.
- Servicing the preliminary injunction.
- Filing a motion for arrest and execution against the infringer's exhibited products and booth.
- Cease and desist letter to the infringer and request to sign a cease and desist declaration.
- Informing the trade fair management and requesting it to take measures against the infringer.
- Giving notice to the customs authorities and public prosecutor as well as initiating a criminal complaint and request to seize the plagiarized goods.

Practical experience has shown that in particular preliminary injunctions are extremely effective in establishing plagiarized products. The local courts are prepared for issuing preliminary injunctions for trade fairs and issue them within a few hours at the date of filing. In general, so-called 'trade fair bailiffs' are available for service and execution, if required. In most cases the infringers are that impressed by the preliminary injunction being a court title under penalty of a fine that they observe the prohibition ordered in such injunction and remove the products from the booth. The preliminary injunction may also include an order of seizure.

Meanwhile the trade fair organizers endeavor to organize a "clean" trade fair and have contact persons who act as conciliators in case of plagiarized products.

In particular in clear cases of plagiarism, the customs authorities and the public prosecutor are increasingly prepared to carry out enforcement measures for removing the infringement in agreement with the lawyer engaged with the case.

### **JONAS Rechtsanwaltsgesellschaft mbH.**

JONAS Rechtsanwaltsgesellschaft is specialized in industrial property law. Its ten lawyers protect and defend the industrial property rights of their clients, in particular trademarks, designs, copyrights, ancillary copyrights pursuant to the German Unfair Competition Act but also utility models and patents.

Due to the numerous trade fairs taking place in Cologne, Düsseldorf and Frankfurt/Main, we frequently deal with trade fair matters and can provide specialist advice at any.

If you have any further questions, please feel free to contact.

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