

ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS  
IN THE EU MEMBER STATES

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(ed.)



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## Enforcement of Intellectual Property Rights in the EU Member States

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## FOREWORD

Original and new intellectual creations and innovations merit protection. The obviousness of this insight was already apparent in earlier times when the system of intellectual property law, in the sense we understand it today, was not yet in existence. By way of example, I refer to Ancient Greece, and in particular the colony ‘Sybaris’ (Magna Graecia in Italy) that enacted one of the first intellectual property protection acts in history in relation with ... dishes! In this city – where inhabitants were reputable gourmets – a law was issued that granted chefs a one year monopoly on the preparation of an outstanding dish. This example is somehow at odds with our current copyright system in view of the recent decision of the Court of Justice that the taste of food does not qualify as protectable subject matter under EU Copyright law (case *Levola*, C-310/17). Yet, it serves to showcase the more general viewpoint that original and novel achievements of individuals were worth protecting. In the sector of trademark law, reference is usually made to ancient Egypt, Greece and Rome where potters themselves made sure that their craftsmanship would be recognised by applying a distinctive sign on their pottery. As regards novel inventions, an initiative of the Italian City State of Venice comes to mind where it was decided, in the 1470s, to grant a 10-year-patent to anyone who would make a new and ingenious contrivance in the city of Venice.

Although these historical examples do not actually testify of the existence of a system serving the same purposes as modern IP law, they already implicitly confirm the importance of a regulatory scheme that enables rightholders to reap the benefits of investments into new inventions and creations.

However, as is commonly agreed on today, intellectual property assets can only lead to benefits when the acquired intellectual property rights can be efficiently *enforced*. For many years now, counterfeiting and piracy have become an international, often professional, market with significant negative economic and social consequences. More in general, infringements to intellectual property rights pose a serious threat not only to individual rightholders, but also to companies’ assets and the overall economy. It is therefore of paramount importance to link any IP protection scheme to an efficient enforcement system. Indeed, legal provisions establishing a high level of protection are of little use if they are not supplemented by rules that can ensure their effective compliance with a sufficient degree of legal certainty.

With EU Directive 2004/48/EC on the enforcement of intellectual property rights, the European Union has pursued just this objective. This Enforcement

Directive aimed at realising a common civil enforcement standard for all EU Member States by requiring effective procedures, measures and remedies to be available to all intellectual property rights owners. Nevertheless, today these enforcement rules remain subject to a patchwork of national laws, whereby each Member States' regulatory framework remains coloured by its own particular implementation, legal traditions, case law, etc. Not surprisingly, one of the conclusive remarks in the 2017 review of this Directive was that the non-harmonised national civil law proceedings constitute a major factor hampering the effectiveness of the Directive (Communication COM(2017) 708 final). It does not look like this problem will be solved in the short term.

The present book, edited by Flip Petillion – an alumnus and a former member of the scientific staff of our university – therefore appears at the right place at the right time. The book succeeds in mapping the complex maze of regulatory frameworks for the enforcement of intellectual property rights in each of the 28 EU Member States. The work brings together lawyers from top-tier law firms of all Member States to provide a comprehensive overview of the national procedures, measures and remedies available to intellectual property rights owners. The publication is a valuable resource for international and European businesses, legal practitioners and inhouse counsel who require a clear understanding of the applicable regulatory regimes before taking action in cross-border or parallel intellectual property proceedings in the EU Member States.

The authors bring their respective expertise as intellectual property litigators to the table to provide an overview of the relevant national statutory law. They also include important case law, useful observations and comments. With this book on the desk, readers can identify and compare possible actions and procedures in different EU Member States. For example, an international clothing manufacturing company which has uncovered a German website selling counterfeit goods, can evaluate the measures available in Germany to take down the website, obtain information about the distribution network and subsequently claim damages. If it discovers that the goods are made in Poland, it can also assess the possibility and requirement to take attachment measures there in order to obtain and preserve evidence of the counterfeiting. This is just one of many examples of the cross-border effects of counterfeiting and other IP Infringements in the European Union.

I am convinced that this book will help intellectual property rights owners to see the forest for the trees in the intricate regulatory landscape of the European Union and its Member States. After all, careful assessment and planning is a prerequisite for any prudent businessman or practitioner before taking enforcement action.

Marie-Christine JANSSENS

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## PREFACE AND ACKNOWLEDGEMENTS

There was a time at which it was quite a challenge to take action in one or several countries in the European Union to enforce intellectual property rights. Despite the various IP enforcement provisions in the international Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), there were considerable discrepancies in national legislation which caused uncertainty and a difference in enforcement levels between the EU Member States. Several countries were labelled as “IP Infringement (counterfeit) safe havens”. It was very difficult to untangle the knots out of the tangle of rules in cross-border disputes. Non-European holders of intellectual property rights had an even heavier task to enforce intellectual property rights effectively in the EU.

To respond to this, there was a call for harmonisation of national legislation in the field of the protection and enforcement of intellectual property rights. One way to introduce an equivalent level of protection in all Member States was to adopt a European directive. Like the EU institutions’ other legal instruments, directives are intended to achieve the objectives of the EU treaties which include security and justice, without internal borders; a highly competitive market economy; and developing an economic and monetary union.

A directive is a legal instrument that aims to harmonise the rules of the Member States. Unlike a European regulation, it does not have a direct effect in all EU Member States and must be implemented into national legislation. A directive requires Member States to achieve a particular result. However, the Member States themselves are free to adopt legislation and to choose the means by which to achieve that objective.

Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the Enforcement of Intellectual Property Rights, 29 April 2004, *OJ L 195*, 16 (Enforcement Directive) was adopted for the enforcement of intellectual property rights in the EU specifically. It aimed to create a level playing field and ensure a high, equivalent and homogeneous level of intellectual property protection in the EU. The Enforcement Directive provided for ‘minimum harmonisation’ rules. This means that while the Member States were required to at least provide for the measures, procedures and remedies laid down in the Directive, they were free to exceed the threshold of the Enforcement Directive by incorporating stricter measures and increasing the levels of protection enshrined in its provisions.

Over the past decade, this Directive has been transposed into all EU Member States, in local legislation and through its application in local and EU case law. Both are essential to understand the Directive's actual application.

Each EU country has its specialists in intellectual property rights. We have practiced in this field for nearly three decades and have been fortunate enough to have acted in proceedings before our own Belgian courts and in neighbouring countries such as the Netherlands and France, and to have coordinated, and simultaneously conducted legal action in EU Member States on behalf of global portfolio holders. In some instances, We also brought matters before the General Court and/or the European Court of Justice.

To prepare and undertake an action in different countries, possibly at the same time, it is necessary to first know local legislation, custom and practice, procedural law, local case law, EU case law, etc.

Like several others, we have shared experiences and views in a series of articles and books that were published over the past three decades. And there are quite a few peers who have done the same, each with regard to their own country.

The time has come to provide an EU-wide overview with a thorough description on IP enforcements in the EU Member States, and to offer more than a cursory question and answer approach, which has become quite common in recent years, but which just misses that little bit more that practitioners and general counsel expect. We wanted to provide an overview that is useful for both practitioners, who are active both cross-borders and internationally, and general counsel, who want in-depth information. Both wish to be able to coordinate actions in different Member States and to avoid contradicting approaches in proceedings that are conducted simultaneously, without the need to first consult local counsel and to ask for that typical initial advice that should be readily available and complementary.

Hence, the idea to publish this book, to which lawyers from top tier firms from all 28 Member States have contributed.

Here is the result of their commitment and effort.

The leadership and coordination of this project has required more effort than expected, but patience always pays off.

We are sure that the information provided herein will be helpful to European practitioners and to non-Europeans who aim to enforce intellectual property rights in the EU.

I thank all 64 authors for their repeated endeavours. I also particularly express my appreciation to Alexander Heirwegh for his help in the follow-up of the editing and production of this book.

Flip PETILLION



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This book serves as an information resource only and does not purport to provide legal advice. It should not be used as a substitute for consultation with competent counsel. We recommend that you consult with an attorney licensed to practice in a particular EU country regarding your legal affairs and individual circumstances.

We cannot guarantee the accuracy, completeness, or timeliness of any of the information presented in these pages, despite our most concerted efforts in this regard.

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This edition inevitably contains errors, omissions and confusions, which will require correction, clarification and further development in future editions, to keep pace with the ongoing developments in the field. Corrections, comments and questions are encouraged, by email to [fpetillion@petillion.law](mailto:fpetillion@petillion.law).

## ABOUT THE EDITOR

**Flip Petillion** is a leading domestic and international dispute resolution counsel and arbitrator. Over the past thirty years, Flip has built an outstanding reputation through his special focus on intellectual property rights, information technology, Internet, communication and media. In the course of his career, he witnessed first-hand the growing importance of intellectual assets for local and multinational clients. He observed the increasing harmonisation of intellectual property rights within the European Union. These developments led Flip to specialise in a wide array of intellectual property and related rights, including trademarks, copyrights, patents, designs, domains, domain names, trade secrets and unfair competition. He has handled landmark intellectual property cases up to the European Court of Justice and has been at the forefront of Internet-related matters since the mid-1990's.

While he is particularly known for his endeavours on the contentious and enforcement side of intellectual property disputes, Flip also assists clients in relation to licensing and other IP-related contracts, advertising clearance, IP-driven transactions and strategic advice. Through a global clientele and positions within various important European and international organisations, such as ICC, INTA, Marques, ECTA and ICANN, he has developed an extensive international practice and network. Flip also has an important background in alternative dispute resolution, having served as arbitrator, panellist and counsel in arbitration proceedings administered by various international institutions. Many of his appointments were directly related to his expertise in the field of intellectual property and new technologies.

Flip regularly publishes on various topics related to intellectual property. He lectures at the Benelux BBMM Professional Education Program for Trademark and Design Attorneys, at the IP and ICT Masters program at Leuven University, and was recently invited to lecture at the new EUIPO Trade Mark and Design Education Programme. Flip is the editor of a yearly legal publication commenting significant IP case law. He recently edited a book on the enforcement of intellectual property rights in Belgium, which involved the collaboration of 25 peers. He is a frequent speaker at professional and academic conferences and has published several articles relating to intellectual property.

After a decade of partnership in an international law firm, Flip established his own firm in the fall of 2017. PETILLION is an independent boutique firm focusing on national and international commercial dispute resolution and intellectual property. The firm provides a full array of international and domestic intellectual property legal services and acts before Belgian courts and before the European Court of Justice and the European General Court. With PETILLION, Flip is pursuing his vision of an independent firm, which is focusing on efficiency, client minded and effective solutions.

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**Gassauer-Fleissner Rechtsanwälte** (“GFR”) features a leading Austrian IP practice that is consistently recommended by national and international surveys alike. The scope of the team covers all areas of contentious and non-contentious IP matters.

Its attorneys involved in IP matters – besides being experts in the respective areas of substantive law – also have a profound knowledge of the law of contracts and/or civil procedure, as well as related fields of IP, unfair competition law, data protection and IT law. GFR represents and advises many leading international companies in the pharmaceutical/medical devices sector, the technology sector and in the food and beverages sector. While GFR does not engage in patent prosecution (this is handled by patent attorneys in Austria exclusively), the firm administers over 500 trademarks and leads several high-profile trademark litigation cases. In addition, the firm advises on issues of trade secret protection and specialises in technology transfers in the Chip IP, aerospace and automated driving sectors.

### BELGIUM

**Flip PETILLION, Jan JANSSEN, Diégo NOESEN and Alexander HEIRWEGH** are Attorneys at Law at PETILLION.

**PETILLION** is an independent law firm with a focus on dispute resolution. PETILLION’s multi-lingual team helps clients prevent, settle and resolve commercial disputes through compliance counselling, contract drafting, negotiation, court litigation, arbitration or other forms of alternative dispute resolution (ADR).

Most of the disputes involve court litigation before national civil, commercial and administrative courts, before European courts and administrative bodies, in *ad hoc* arbitrations, and before leading national and international arbitration institutions around the world, such as ICC (Paris, France), ICDR (AAA) (New

York, U.S.A.), WIPO (Geneva, Switzerland), FORUM (Minneapolis, U.S.A.), CAC (Prague, Czech Republic), and CEPANI (Brussels, Belgium).

PETILLION has a particular experience in specific sectors and industries such as Intellectual Property, Information Technology, Media & Entertainment, the Internet, and Fashion. The firm has also worked extensively on matters related to Postal, Telecoms, Energy, Construction and Real Estate, Automotive, Aviation and Aerospace, and Distribution.

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**Pavlov & Co** is one of Bulgaria's largest boutique law firms that specialises in intellectual property protection. The team has a very extensive knowledge and experience in all fields of intellectual property, as well as substantial background in other legal areas; this allows them to provide clients not just with a solution strictly focused on the IP aspect of each matter, but with a complete strategy that ensures that they get the best possible result for their business. Pavlov & Co represents and consults leading Bulgarian and international companies from a number of business areas (apparel and fashion industry, food and beverages, pharmaceuticals, light industry) in all aspects of IP protection – from IP objects registration and maintenance, to infringement proceedings (civil, criminal and administrative), unfair competition and copyright law. The team is also very active in the development of local practice and legislation by taking part in numerous workshops, conferences and discussions about current practices and propositions for amendments to the law.

## CROATIA

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**Vukmir & Associates** is an independent law firm specialised in intellectual property, corporate and commercial law, which has been successfully representing clients such as corporations, financial institutions, law firms and governments worldwide for over 25 years.

The firm has a professional team of 15 lawyers. The members of the Vukmir & Associates' team are proficient in Croatian, English, Italian, French, Hungarian, Slovene, and Spanish.



Without precedent, the firm has been perceived as the leading IP and IT law firm on the market for over 20 years, offering the deepest and broadest coverage across transactional, advisory, and litigation-related IP matters.

Vukmir & Associates have developed a strong corporate and commercial law practice alongside its IP and IT practice. For many years, the firm and its banking, finance and capital markets; corporate and M&A; commercial, employment, and immigration; and real estate practice groups have been the choice for leading multinational corporations, financial institutions, and law firms alike.

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**Elias Neocleous & Co LLC**, the successor firm to Andreas Neocleous & Co LLC, is the largest law firm in Cyprus and is generally recognised as one of the foremost firms in the South-East Mediterranean region. The firm has more than 140 fee-earners operating out of offices in Limassol, Nicosia and Paphos in Cyprus, and has an international network of offices in Brussels, Budapest, Kiev and Prague.

Elias Neocleous & Co LLC focuses on providing its international clients and international law firms with market-leading, world-class service and advice on all aspects of Cyprus and European law. The firm has experienced specialists in every field, as well as the strength and breadth of resources to handle the largest and most demanding cross-border assignments. It is top-rated in Cyprus by all of the leading independent legal rating organisations and is one of the few firms worldwide rated in the top tier in all practice areas by Legal 500. The firm is committed to understanding clients' objectives and providing clear, practical business-oriented advice and responsive service in order to achieve them.

Elias Neocleous & Co LLC provides a comprehensive service for all types of intellectual property, covering patent and trade mark protection, design registration, copyright and the licensing of technology. The firm advises clients not only on intellectual property protection, but also on all aspects of maximising earnings from intellectual property assets, including Cyprus's beneficial intellectual property box regime.

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**Šindelka & Lachmannová** was founded in 2015 by Karel Šindelka and Eva Lachmannová, long-term colleagues working together previously in another Prague-based IP law firm. The law firm is an independent boutique specialising in intellectual property protection and in the enforcement of all IP rights

including trademarks, designs, patents, copyright and unfair competition. The law firm has a very strong practice in anticounterfeiting and domain name matters. As well as its IP practice, the law firm also provides services in the area of IT law, commercial matters, aviation and real estate. The law firm was presented with a WTR 1000 ranking for the Czech Republic in a silver band in 2018.

The clients of the firm range from small and medium-sized Czech companies to multinationals. Its named partners have an abundance of experience.

Karel Šindelka, as well as his practice, is also a panellist of the Czech Arbitration Court for resolution of domain name disputes in .cz domain. He is also member of the Council, Internet and EU-IPO Link Committees of ECTA.

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**Bech-Bruun** is a market-oriented law firm offering specialist services. Bech-Bruun serves a large section of the Danish Corporate sector, the Danish public sector as well as international enterprises through its wide range of products.

With the help of more than 500 talented employees, and some of the most well-recognised and experienced experts in the business, Bech-Bruun customises solutions to their clients, embracing all of its business areas. Bech-Bruun's goal is to strengthen its clients' businesses and to help them to outperform their competitors.

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**COBALT offices** are leading providers of legal services in the Baltics and Belarus with offices in Riga, Vilnius, Tallinn, and Minsk. The team of over 180 lawyers renders comprehensive legal services on all aspects of business and commercial law to local, regional and international legal entities.

The firm's full-service Pan-Baltic IP law practice, consisting of more than 40 specialised experts, is one of the largest and most active on the Baltic legal market with unique experience in IP protection. Providing the full scope of

IP advisory services, ranging from daily regulatory issues and domain and trademark portfolio management to high profile transactions and disputes, COBALT IP practice is particularly well-known for complex patent and trademark litigations. For almost a decade, experts at COBALT have been highlighted among the leading IP advisors in Estonia, Latvia and Lithuania by the most prominent international surveys, including Chambers Europe, Legal 500 and the World Trademark Review.

## FINLAND

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**Borenius Attorneys** is one of the largest and most experienced full-service business law firms in Finland. Borenius' Intellectual Property practice is at the top of the undisputed jurisdiction and has many of Finland's leading IP experts amongst their team.

Borenius handles IP-related assignments from IP and patent litigation and enforcement to trademark portfolio management as well as transactions and agreements that are relevant to IP such as research and development, supply and manufacturing, merchandising and licensing. The firm's commitment to its clients' success is firmly grounded in its strong expertise, long-term commitment, genuine involvement, experience and innovation.

## FRANCE

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**CASALONGA** has been a top tier European IP firm since its establishment in 1867, successfully protecting and defending its innovative clients' valuable intellectual property assets. CASALONGA is the first French firm to combine lawyers and patent and trademark attorneys.

CASALONGA offers a full range of services to protect and to defend IP rights: worldwide protection, enforcement and litigation, portfolio management, IP valuation and strategy, licensing, transactions and due diligence.

The firm assists clients in protecting and defending their innovations and their patents, trademarks, domain names, designs, geographic indications, copyright, trade secrets and software in particular. It also counsels clients in all matters related to IP including franchising, licensing, e-commerce, data protection and unfair competition.

CASALONGA is a well known French actor for IP litigation. The firm intervenes in major IP cases, including recent SPCs and FRAND licensing patent

cases. For decades, many of the cases in which CASALONGA has intervened have influenced the IP case law.

## GERMANY

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**Preu Bohlig & Partner** is one of the leading German law firms in IP, as well as in pharmaceutical law, with a particular focus on patent law, trademark law, competition law and registered designs. The firm was founded in 1959 by Professor Dr. Albert Preu, who was joined by Manfred Bohlig in 1964, laying the foundation for the partnership Preu Bohlig & Partner.

The firm has offices in Munich, Düsseldorf, Berlin, Hamburg and Paris, and is one of Germany's largest IP practices for infringement matters. With its presence in Paris, the firm has prepared for the Unified Patent Court.

The firm's lawyers have been counsel in many proceedings that reached the Federal Court of Justice and the European Court of Justice. Many of the cases, in which Preu Bohlig & Partner intervened, have influenced case law in a significant manner. The firm's focus, from a technical point of view, is on Biotechnology, Chemistry, Electrical engineering, Automotive industry, Semiconductor technology, Mechanical engineering, Nano technology, Pharmaceutical/Medical products.

## GREECE

**Nikos Th. NIKOLINAKOS, Maria-Daphne PAPADOPOULOU and Evanthia-Maria MOUSTAKA** are Attorneys at Law at Nikolinakos & Partners Law Firm.

**Nikolinakos – Lardas & Partners (Nllaw)** is an Athens-based business law firm that is built upon a strong regulatory, litigation, and transactional foundation. Nllaw is specialised, inter alia, in the following practice areas: Telecommunications, Media & Technology (TMT); Digital Business; Intellectual Property; Data Protection & Cyber Security; Competition Law; Administrative Law, Public Procurement & Agency Litigation.

The firm's partners have worked within government and regulatory agencies – understanding the approach and priorities of regulatory officials and policymakers better and enhancing the services offered accordingly. Moreover, they have substantial in-house industry experience, which gives them significant insight into how their clients can best meet their strategic goals.

## HUNGARY

**Miklós SÓVÁRI** is IP Lawyer, European Patent Attorney and Partner at Danubia Patent and Law Office LLC.

Founded in 1949, **Danubia Patent and Law Office LLC** is a leading IP law firm in Hungary covering full IP services in all fields of the protecting, enforcing and defending of intellectual property rights, including prosecution, maintenance, litigation, enforcement, market and use searches, valuation and portfolio management, patent utilisation, licensing, validation, counselling and providing tailor-made services on demand. The firm focuses on IP-related issues and has a total of nearly 70 years of professional experience.

Danubia offers services and professional solutions relating to Hungarian and European IP matters, including European Patents, European Union Trademarks and Designs, International Trademarks and Designs at a modest price level. The firm's partners are registered European and Hungarian Patent Attorneys and IP lawyers; the Patent Staff consists of professionals with technical qualifications covering all fields of science and technology.

The close co-operation with partner lawyers 'Danubia-Legal' is the source of additional skills concerning patent, trademark, copyright and other litigations, as well as other IP-related and emerging legal issues.

Danubia has been ranked as the No. 1 firm in the field of Patent prosecution and enforcement, and also the No. 1 firm in the field of Trademark prosecution and enforcement in Hungary, according to the world IP Survey, sponsored by the magazine 'Managing Intellectual Property' (a London-based Euromoney enterprise). These rankings have been awarded to Danubia year on year since 1997.

## IRELAND

**Gerard KELLY** is Partner and Head of IP at Mason Hayes & Curran.

**Eimear O'BRIEN** is IP Associate at Mason Hayes & Curran.

**Mason Hayes & Curran** is a Dublin-based business law firm with 80 partners and offices in London, New York and San Francisco, three of Ireland's most important conduits for inward investment to Ireland. MHC is a leading and trusted intellectual property advisor to a wide variety of multinationals, indigenous companies, third level institutions and state bodies. MHC has an extensive practice in both non-contentious and contentious IP issues across a range of industry sectors including pharmaceutical, retail, IT and social media, financial services, entertainment and biotechnology.

## ITALY

**Giorgio MONDINI, Paolo CUOMO and Manuel B. PORTALE** are Attorneys at Law at Modini Rusconi.

**Mondini Rusconi** acts for Italian and foreign clients on a broad range of intellectual property matters and is recognised as one of Italy's leading firms in this field.

The firm provides consultancy services on all aspects of copyright, trademarks, industrial design, patents and domain names.

The firm also advises on the protection of computer software and database and has extensive experience in the negotiation and drafting of trademark and other intellectual property and know-how license agreements, including merchandise agreements.

The firm has in-depth experience in litigation and arbitration in intellectual property-related cases, including antipiracy.

Mondini Rusconi is recognised by the following directories: Legal 500 (tier 1 in copyright law) and Chambers (band 3 in intellectual property law).

## LUXEMBOURG

**Sophie WAGNER-CHARTIER** is Attorney at Law and Partner of the IP, Communication and Technology practice team at Arendt & Medernach.

**Julien PÉTRÉ** is Associate in the IP, Communication and Technology practice team at Arendt & Medernach.

**Arendt & Medernach** is the leading independent business law firm in Luxembourg.

The firm's international team of 325 legal professionals represents clients in all areas of Luxembourg business law, with representative offices in Dubai, Hong Kong, London, Moscow, New York and Paris.

Its service to clients is differentiated by the end-to-end specialist advice, covering all legal, regulatory, taxation and advisory aspects of doing business in Luxembourg.

The firm's IP, Communication & Technology Practice Group advises on commercial and civil law matters and assists clients in the following areas of the law: contracts; technology; media and telecommunications (TMT); intellectual property law (IP); e-commerce; e-archiving; data protection and privacy; advertising; unfair competition; consumer protection and product regulation (pharmaceutical sector, foodstuff, tobacco industry, etc.).

## MALTA

**Paul MICALLEF GRIMAUD** is Partner and head of the IP&TMT and Privacy practice groups at GANADO Advocates.

**Sarah Louise AZZOPARDI** is Advocate at GANADO Advocates.

**GANADO Advocates** is the largest law firm in Malta and is widely recognised as one of the leading business and commercial law practices. Operating from its head office in Valletta, Malta's capital city, GANADO Advocates has a compliment of just over 80 lawyers all assisted by other professionals, trainees and administrative staff.

The firm's areas of expertise include: IP, Media, Entertainment and Technology; Corporate, M&A and Capital Markets; Trusts, Foundations and Estates; Maritime and Aviation; Banking and Financial Services; Tax; Environment, Energy and renewables; Litigation and ADR; Labour and Employment; Data Protection and Privacy.

GANADO Advocates regularly advises the key local players in the IP, IT & Telecoms sectors, including the local regulators as well as multinationals in respect of their Maltese business. It provides specialised assistance in the drafting and negotiation of contracts such as licensing and franchising agreements, IP assignment agreements as well as the registration and enforcement of intellectual property rights. Included within this practice area is the firm's data protection practice which advises the firm's diverse client base on their ongoing data protection related obligations drafting of data protection statements and policies, the entry into trans-border data flow arrangements and related issues.

## THE NETHERLANDS

**Alfred MEIJBOOM** is Attorney at Law at Kennedy Van der Laan.

**Kennedy Van der Laan** is one of the largest independent, full-service business law firms in the Netherlands, with clients ranging from medium-sized companies to multinationals with a wide range of sector specialism per practice group, more notably in the fields of technology, finance & insurance, media, fashion & retail, health care and real estate & construction.

The IP team of presently 3 partners, 8 associates, 4 paralegals and a trademark agent handles both contentious and non-contentious matters across the complete range of intellectual property rights, from trademark law, design law, copyright, R&D and database rights to patents and trade secrets, as well as trademark and design filings and related prosecution work. In addition, the firm has a strong practice in life sciences, brand protection, advertising law, parallel import and custom seizures, collective rights societies' issues, MedTec, licencing, parallel import, sports marketing and digital commerce.

## POLAND

**Tomasz TARGOSZ** is Attorney at Law at Traple Konarski Podrecki & Partners.

**Traple Konarski Podrecki & Partners** was created from a law office set up in 1993 by Professor Elżbieta Traple, Ph.D., attorney at law. The Firm is now made up of more than 50 lawyers, including attorneys at law, legal advisors, Doctors of law and patent attorneys, working at offices in Kraków and Warsaw. It has established itself as a leading Polish IP law firm, covering all areas of IP law.

## PORTUGAL

**António ANDRADE** is Partner and Intellectual Property Head of Practice at Vieira de Almeida & Associados ('VdA').

**Beatriz LIMA, André MARQUES PITEIRA and Rita LIMA MAYER** are Attorneys at Law at VdA.

**Vieira de Almeida & Associados ('VdA')** is a full-service law firm with a deep industry knowledge proven by several awards and nominations that VdA has received for the quality of its legal services and ranking on the top Tier in most reputable guides of international business law. Along with its multidisciplinary work, which allows the firm to accompany a company's lifecycle at every step by engaging the firm's other areas of practice, innovation has been as intrinsic part of its growth from the very beginning.

VdA has long experience in all the sectors and in areas related to intellectual property matters. The number of clients in this area is very significant, not just in quantity but importance in the 'pharmaceutical market', as the team has proven their ability to arrange a litigation solution without precedents.

In the past decade, VdA has arisen as the leading law firm in Portugal acting for originator companies in patent disputes. In innovation and in the success in its aforementioned representation – both in court litigation for validity matters and in mandatory arbitration proceedings for infringement cases – has led to one of the law firm's most successful activities and has contributed greatly to VdA's international reputation. The IP practice area also has a relevant experience in complex trademark, designs and copyright litigation cases.

## ROMANIA

**Ana-Maria BACIU** is Partner and Head of Intellectual Property practice at Nestor Nestor Diculescu Kingston Petersen ('NNDKP').

**Sorina OLARU** is Partner in the Dispute Resolution practice at NNDKP.



**Andreea BENDE** is Senior IP Counsellor in the Intellectual Property practice at NNDKP.

**Adina BADARAU** is Senior Patent Attorney in the Intellectual Property practice at NNDKP.

**Daniela GHERVAS** is Senior Associate in the Dispute Resolution practice at NNDKP.

**Nicoleta CHERCIU** is Associate in the Dispute Resolution practice at NNDKP.

Founded in 1990, **Nestor Nestor Diculescu Kingston Petersen** (“NNDKP”) is recognised as one of the promoters of business law in Romania, providing integrated legal & tax service. In recognition of its business and client management approach, NNDKP has been repeatedly awarded with honouring distinctions such as “Law Firm of the Year in Romania” (by Chambers Europe four times out of eight editions, including in 2017).

Recognising the importance of dedicated resources, NNDKP’s intellectual property arm (NNDKP IP) was established in 2003 as the first group of specialised IP practitioners among the law firms active in Romania. It delivers the in-depth IP knowledge more commonly associated with boutique IP firms, coupled with NNDKP’s legal & tax resources and a wider commercial perspective. Today, NNDKP IP is the most frequently awarded and highest ranked team in the Romanian jurisdiction by specialised IP research guides, being named “IP Law firm of the Year in Romania” five consecutive times (MIP Gala from 2014 to 2018).

NNDKP commits to an all-encompassing approach to IP aspects and is able to deliver, thanks to the high level of specialisation within the firm’s Dispute Resolution Department. The members of the firm’s team have been involved in myriads of cases generated by sensitive intellectual property matters (including patent rights/annulment, trademark illicit use) that, together with the IP consultancy team, assemble units that provide expert advice and representation in disputes, across industry sector.

## SLOVAKIA

**Ivan PETKOV** is Managing Partner at PETKOV & Co.

**Zuzana ADAMOVIÁ** is Senior Associate at PETKOV & Co.

**Michal ČERŇANSKÝ** is Associate at PETKOV & Co.

**PETKOV & Co** is one of the leading IP and Commercial Litigation & Arbitration law firms providing legal services in Slovakia and the Czech Republic. The law firm is supported with a variety of litigators and legal advisers of the highest expertise and is strongly dedicated to excellence in commercial disputes, primarily in the specialised practice of intellectual property law, including copyright, collective rights-management issues, trademark, trade secrets,

franchise and unfair competition law and other related fields such as ICT, e-commerce, data protection, etc. Its expert lawyers also provide legal support to individuals and corporations as well as their local or international businesses, often covering multiple jurisdictions.

## SLOVENIA

**Gregor MAČEK** is Lawyer, European and Slovenian Patent and Trademark Attorney at ITEM.

**Igor ŠETINC** is Lawyer at ITEM.

ITEM is among the leading law firms in Slovenia and the Balkan region specialising in patent, trademark, design, unfair competition and other fields of intellectual property law. ITEM provides a full range of business-oriented IP services, from acquiring IP rights to enforcing them against infringers. From 2012 to 2018, ITEM has been continuously ranked as a top tier IP law firm by Chambers Europe and Recommended Firm for trademarks by WTR 1000. ITEM has represented some of the world's largest corporations and regional market leaders in pharmaceuticals, electronics, vehicles, apparel, foodstuffs, beverages and luxury products, as well as regional and national SMEs, startups, individual entrepreneurs, artists, inventors, universities, and research and academic institutions.

## SPAIN

**Montiano MONTEAGUDO** and **Francisco Javier GARCÍA** are Attorneys at Law at Uría Menéndez.

**Uría Menéndez** is a law firm with more than 70 years of experience. Uría Menéndez currently has seventeen offices in Spain and Portugal, where it operates as Uría Menéndez – Proença de Carvalho, and main financial centres in the rest of Europe, the Americas and Asia.

Uría Menéndez advises on Spanish, Portuguese and EU law in business-related matters and assists its clients in their international transactions through its network of offices and its close links with prestigious law firms around the world.

After almost two decades in Latin America, where Uría Menéndez has a longstanding relationship with key players, the firm has further strengthened its ties to the region with the creation of the first major Ibero-American law firm Philippi, Prietocarrizosa, Ferrero DU & Uría (“PPU”), arising from the merger between leading firms in Chile, Colombia and Peru.

Through the combination of Uría Menéndez and PPU, it can now offer its clients a global team of 1,000 lawyers, including more than 375 based in Latin America.

Uría Menéndez's IP practice provides legal advice in both an advisory and litigious context, including in licensing and business transactions. Uría Menéndez's lawyers have extensive knowledge of the industry sectors in which its clients operate and specialise on regulatory and commercial issues in the pharmaceutical, cosmetic, food and chemical sectors, among others.

Uría Menéndez's IP team provides advice to leading companies in areas such as the chemical, fashion, IT, pharmaceutical, biotechnological, sanitary, cosmetic, agro-alimentary, and general consumer goods.

## SWEDEN

**Håkan BORGENTHÄLL** and **Richard WESSMAN** are Partners of the IP team at Vinge.

Arvid Axelryd is an Attorney at Law (associate lawyer) at Vinge.

Vinge is one of Sweden's leading independent commercial law firms and it operates from four offices in Sweden as well as from a branch in Belgium. Continuously ranked among the top by institutes such as Mergermarket, Chambers & Partners, Legal500 and IFLR, Vinge provides a full service offering with experience and expertise in all areas of commercial law. Vinge is privileged to work with a large number of major international public and private companies, financial institutions and governments on some of the most complex and challenging transactions in the Nordic region and the firm is also home to some of Sweden's top specialists in areas such as employment law, tax, IP, EU & competition law, real estate, banking and finance, dispute resolution, as well as general corporate matters.

Vinge's intellectual property group consists of more than 30 specialised IP lawyers with a capacity to deal with all kinds of contentious, non-contentious and prosecution matters. Individuals of the intellectual property practice are regularly engaged as counsels in trademark and patent infringement and invalidity disputes, often in disputes with an international character. Disputes concerning title to patents and compensation to inventors also frequently constitute recurring cases within the group, as well as R&D agreements in major arbitral proceedings. The intellectual property group also assists clients in negotiating and drafting all forms of intellectual property agreements.

## UNITED KINGDOM

**Matthew HARRIS** is joint Managing Partner and co-head of the IP and IT litigation team at Waterfront Solicitors.

**Waterfront Solicitors LLP** is a highly successful niche Intellectual Property and Information Technology law firm located in London. The firm was set up in 2002 to provide an alternative option to businesses looking for legal advice in a structure that enabled it to cater effectively for clients both great and small. Since then it has steadily grown in size to a firm that comprises twenty lawyers, providing advice across a number of different areas of law. However, it still retains an intellectual property and technology sector focus. It also continues to act for the full spectrum of business clients, including, individual entrepreneurs, SMEs, multinational corporations including companies listed on the London Stock Exchange, AIM (the Alternative Investment Market) and NASDAQ, and government agencies.

A particular strength of the firm is the conduct of English intellectual property litigation, with cases regularly undertaken for clients in the various intellectual property courts and lists of the English High Court, including IPEC.