

Legal Update: Mobile World Congress 2022 Judiciary Fast Action Guidelines for Intellectual Property

January 25, 2022

The **Mobile World Congress ("MWC")** is the world's leading exhibition for the mobile and telecommunications industry. Each edition presents new breakthroughs and disruptive innovations, applications, software and devices that involve important progress in the sector. In addition, each year the Congress focuses on specific sectors and themes, varying from artificial intelligence to 5G.

This year, the MWC will be focused on the connectivity revolution, and it will take place from **28 February to 3 March 2022** at its usual venue, **Barcelona**. **The most important electronics, telecommunications, and IT companies, which are often competitors**, will assist and exhibit their products and services.

Therefore, concerning **the possibility of conflicts that may arise related to intellectual property potential infringements, the Commercial Courts of Barcelona (specialized in IP matters) and the Trademark and Design Courts of the European Union (Commercial Courts of Alicante) have activated the Protocol of on-call services and rapid action aimed at protecting the rightholders of IP rights**. Furthermore, the first ones will immediately execute the interim injunctions and urgent proceedings ordered by the Trademark and/or Design Courts of the European Union.

(I) WHAT DOES THESE GUIDELINES CONSIST OF?

- To process with preference and priority **requests for preliminary injunctions and/or fact-finding procedures** concerning patents and designs advanced at the WWC, which shall be resolved within two days.
- The same procedure shall be applied, with or without hearing the defendant, to **urgent precautionary measures** concerning infringements of intellectual property rights (patents, trademarks and/or designs), unfair competition and advertising, in connection with the goods and services exhibited during the MWC. The **application for precautionary measures** will be resolved within **two days without hearing the defendant**, as soon as it is received by the court; and a **maximum period of ten days if there is an oral hearing or opposition, provided that there is a preventive document**.
- Application for **written warnings** by companies that suspect that precautionary measures may be requested against them without a hearing, which will be **resolved within 24 hours of their submission**.
- In assessing the **urgency of taking interim measures without a hearing**, the **previous behavior of the plaintiff** - good faith - will be taken into account and the **speed with which the plaintiff reacted** to the knowledge of an infringement will be decisive.
- **Adopt**, ex officio or at the request of a party, **specific measures to preserve the confidentiality of information that is a trade secret**.
- **Telematic hearings** will be promoted, thus shortening the deadlines even further.



(II) WHEN WILL BE THE GUIDELINES ACTIVATED?

- The guidelines will be active from 1 February 2022 to 3 March 2022.

(III) HOW CAN WE HELP YOU?

- Pre-litigation advice.
- Ongoing legal assistance during WMC both in person and online - submission of writings and attendance at hearings.
- Collect information and evidence of infringed intellectual property rights.
- Preparation and submission of requirements before, during and after the WMC.
- Negotiations for assistance to the WMC.
- Notarisation of evidences in the framework of the WMC.

We remain at your disposal for any questions you may have.

Yours sincerely

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