



CASUCCI
STUDIO LEGALE
LAW FIRM

Exhibitions IP ENFORCEMENT 在展览会上的知识产权执法

Best Practices of international
IP enforcement at Exhibitions
展会知识产权执法的国际最佳实践

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WWW.CASUCCI.BIZ



ISSUES

Lack of effective judicial enforcement during Exhibitions

- Timing
 - Exhibitions frequently last a few days only and during week-ends
The civil authorities usually do not work during week-ends
- Safe harbours legal exceptions
 - In several jurisdictions, civil Injunctions and seizures cannot be granted during the exhibitions but only prior to those.
 - Only criminal intervention are allowed but only for very “clear-cut” cases (identical) - not for look-a-likes or cases with confusing similarity

问题

在展览会期间缺少有效的司法执法

- 时机把握
 - 展览会一般只有几天，一般都在周末举办，民事机关一般在周末不办公
- 安全港法律例外
 - 在有些司法辖区内，在展会期间不能对展品发布民事禁令和予以没收，只能在展会之前发布禁令和没收物品。
 - 只能根据刑法的规定采取干涉措施，但仅限于“事实清楚”的情况（是完全一样的）；而不是看起来相象的物品或者容易令人混淆的相似情况。



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ISSUES

问题

The solution offered by
Frankfurt Messe

由Frankfurt Messe提供的解
决方案

Schutz vor Marken- und Produktpiraterie
Protection against brand and product piracy

Tipps und Hilfestellungen
zum Schutz Ihrer Produkte

Some tips and advice
to help you protect your products





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ISSUES

The solution offered by Frankfurt Messe

- Information !
 - a practical guide to inform what to do against copies
 - a list of contacts (authorities and lawyers)
- Deterrence !
 - Power to refuse applications from exhibitors that were found infringing IP rights
 - Power to immediately revoke the exhibitors contract and expel infringing exhibitors (after Court decision)

问题

由Frankfurt Messe提供的解决 方案

- 信息 !
 - 如何处理复制品的使用指南
 - 联系人名单 (有关机构和律师)
- 威慑 !
 - 如果发现参展商侵犯他人知识产权，则可以拒绝他们提出的参展申请
 - 有权立即取消与参展商订立的合同，并将侵权的参展商驱逐出展会 (在法庭判决之后)



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ISSUES

The solution applied by
Fiera Milano International

Verona Fiere

问题

由Fiera Milano International
应用的解决方案





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ISSUES

The solution applied by
Fiera Milano International

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- 5 year experience
 - MACEF: first edition regulated (Sep 2001)
- 2 Exhibitions regulated (3 more next year)
 - MACEF: gift, design and furniture (bi-annual)
 - EXPOCOMFORT: bath design and hydraulics (bi-annual)

问题

由Fiera Milano International 应用的
解决方案

(之一)

- 5年的经验
 - MACEF: 发布了第一版 (2001年9月)
- 应用于2个展会 (明年还有3个展会)
 - MACEF: 礼品、设计、和家具 (每年两次)
 - EXPOCOMFORT: 浴室和洁具设备 (每年两次)



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II

- Contents of the Regulation
 - Informative service
 - Evidence collection procedure
 - Injunction procedure (internal)
- Managers
 - 10 IP experts appointed (lawyers and IP attorneys)
 - on duty all days during the exhibition

问题

由Fiera Milano International 应用的
解决方案

(之二)

- 规定的内容
 - 信息服务
 - 证据收集程序
 - (内部) 禁止令程序
- 管理人员
 - 指定10个知识产权专家 (律师和知识产权代理人)
 - 在展览会期间全天值勤



ISSUES

The solution applied by
Fiera Milano International

III

- Advantages
 - fast and reliable IP enforcement
 - limited costs (a fixed fee per intervention)
- Disadvantages
 - risk of lack of evidence/time about validity issues
 - negative effects of an Injunction, if ordered, and subsequently the IP right will be considered null

问题

由Fiera Milano International 应用的
解决方案

三

- 好处
 - 迅速和可靠的知识产权执法
 - 有限的成本 (每次干预收取固定费用)
- 缺点
 - 存在证据和时间有效性不充分的风险
 - 禁止令的负面效应，如果下达了禁止令，有可能导致知识产权被认作无效



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MADE in ITALY - fake



HANSGROHE - fake



PEDROLLO - fake

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IV

CASES

average 5 for edition



AERMEC - fake



FLOS - fake



NICI - fake



ILLY - fake



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ISSUES

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V

CASES

2006





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VI CASES

2007



fake



original



fake

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