

RESULTS REPORT
INTELLECTUAL PROPERTY FAST ACTION PROTOCOL
MOBILE WORLD CONGRESS 2021

COMMERCIAL COURT OF BARCELONA
EUROPEAN UNION TRADEMARK COURT OF ALICANTE

1.- The panel of Judges of the Commercial Court of Barcelona and the panel of Judges of the European Union TradeMark Court of Alicante, at its joint meeting on 5th May 2021, agreed to adopt effective measures to protect and preserve intellectual and industrial property rights of participants and exhibitors at *Mobile World Congress* held in Barcelona on June 28th to July 1st, 2021.

2.- These measures included:

a) Priority and preferential processing of emergency preliminary injunctions (either ex parte or not) 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.

b) Resolve and issue any ex parte preliminary injunction within 48 hours, once the complaint has been received by the court; and the case of a hearing of an interim injunction is resolved within a 10-day period, as long as a protective letter has been filed.

c) Within the framework of a possible conflict in issues of industrial or intellectual property with another company and in light of the reasonable fear of being subject to an application for an ex parte preliminary injunction, to resolve the admission of the requests for protective letters within 24 hours of their filing. The admission and immediate resolution of the protective letters is done in order to avoid, to the extent possible, the adoption of the ex parte preliminary injunctions, which will allow, firstly, the defendant to put forward their arguments and, secondly, their willingness to appear at the Court immediately to rule on any request for ex parte preliminary injunctions

d) Promote virtual/remote hearings in the case of in the case of preliminary injunctions with the opposite part.

e) The Commercial Court of Barcelona will carry out the immediate enforcement of the preliminary injunctions and/or urgent measures that, within the scope of its specific competence, will issue the European

Union Trademark Court of Alicante in matters of trademarks of the Union European and Community designs.

3.- Finished the *Mobile World Congress* this year, the results of the application of these measures have been the following:

a) *16 protective letters* were submitted. *15 of them* related to patents, one of them about national trademark. All of them were resolved the same day that that they were filed.

1 protective letter related to European Union trademark also was resolved.

In total, **17 protective letters** were resolved.

b) In the European Union Trademark Court of Alicante, it was filed a preliminary injunction *ex parte* about European Union trademark and it was upheld.

c) There were not verification of facts procedures neither preliminary injunction petitions.

d) A total of **18 cases** were admitted and resolved within the framework of the Protocol.

4.- Valuations of the result of the application of the commitments in relation to the measures adopted and executed and the companies affected: in 48 hours, the preliminary injunction was resolved. This term was reduced to 24 hours in the cases the admissions of the *protective letters*.

5.- This year 2021 is the seventh year of application of the Protocol, having observed **a decrease of - 36 % of the matters filed** in relation to those admitted in 2019, the last year in which the MWC was held, including data from Alicante

In relation to the results of the year 2019:

- the number of *protective letters* filed and admitted has decreased a - 47.2% in comparison with 2019 year.

- There was only a preliminary injunction *ex parte*, in comparison with 7 that were filed in 2019.

- There were not verification of facts procedures neither preliminary injunction petitions.

6.- The notable decrease in the cases filed under the Protocol in this year 2021, compared to previous editions, is clearly due to the situation of the covid-19

pandemic, not yet overcome, as well as the hybrid format (in person and virtual) of this year's Mobile World Congress.

7.- Our forecast is that in the next year 2022 the number of cases filed will recover, especially the *protective letters*; as well as verification of facts procedures and preliminary injunctions both *ex parte* and hearing.

8.- We want to highlight this year's close and coordinated collaboration with the heads of the GSMA and FIRA and the Police forces.

In Barcelona and Alicante, on July 2, 2021

Commercial Court of Barcelona.
European Union Trademark Court of Alicante.