

In less than a month, between February 24 and 27, Barcelona will be hosting a new edition of the Mobile World Congress (“MWC”). This event will make the city the world’s meeting point for telecommunications companies. During the MWC the most important technological companies worldwide will present their innovations which will revolutionize the whole sector. The MWC is, therefore, an important event in which attendance increases every year, reaching 109,000 attendees in the 2019 edition.

An event of such magnitude, where the main innovations of the sector are exhibited, is prone to the risk of legal conflicts arising between companies taking part in it. This type of legal conflicts, due to their nature, need to be resolved swiftly and efficiently. It is for this reason that in recent years, the Commercial Judges of Barcelona and Alicante have established a joint an “on-call” and swift action Protocol for the adoption of protective measures against possible infringements of patent rights, trademarks, intellectual and industrial property, unfair competition and illegal advertising.

These judicial measures mainly consist of granting a preferential treatment and giving priority to claims for precautionary measures, preliminary proceedings and / or verification of facts, so that they may be resolved in a short period of time.

Specifically, the measures to be applied are the following:

- a) The granting of a preferential treatment and giving priority to urgent claims for precautionary measures (with or without hearing the defendant), to claims for preliminary proceedings and/or verification of facts, relating to patents, technological innovations and industrial designs to be presented at the MWC; infringement of trademarks and intellectual property rights; competition rights, unfair trading and illegal advertising of products exhibited at the MWC.
- b) The resolution of claims for precautionary measures without hearing and claims for preliminary proceedings and/or verification of facts, should be resolved within two working days. Claims for precautionary measures with a hearing should to be resolved within a maximum period of ten working days.
- c) In the context of a possible conflict regarding industrial or intellectual property rights, to resolve within 24 hours preventive written statements filed by companies that may reasonably suspect that a claim for precautionary measures without a

hearing has been submitted against them. The aim of this measure is to avoid the adoption of precautionary measures without hearing the defendant.

- d) The previous behaviour of the plaintiff and the speed of reaction after the possible infringement came to its notice, will be decisive when assessing the urgency in the adoption of precautionary measures without hearing the defendant.
- e) In accordance with Law 1/2019, of February 20, about Business Secrets and the Special Protocol for the Protection of Business Secrecy adopted by the Commercial Court of Barcelona, the adoption of the necessary measures to preserve the confidentiality of any relevant information submitted in a procedure for infringement of business secrets or any other procedure. The adoption of such measure may be done *ex officio* by the court or at the request of the parties.

Finally, it is expected that the Commercial Court of Barcelona will immediately execute any precautionary measure and/or adopt any urgent measures requested by the Alicante Trademarks Court of the European Union, within the scope of its specific competence in relation with European Union trademarks and designs.

The Protocol will be in force throughout the month of February and will be especially important during the celebration of the MWC.

Please do not hesitate to contact us at Cases & Lacambra if you need any assistance in relation with the matters covered by the Protocol or if you have any doubt about its application to the MWC 2020.

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