

EUROPEAN TRADE FAIR IP EMERGENCY HANDOUT

A Practical Step-by-Step Response Manual for Exhibition and R&D; Teams

CRITICAL RULE: KEEP CALM AND CONTACT COUNSEL IMMEDIATELY. European competitors frequently deploy unilateral, ex-parte measures to catch foreign exhibitors unprepared. Do not sign any admissions of guilt or hand over documents without a European legal representative present.

1. PRE-SHOW PREVENTION: DEPOSITING PROACTIVE SHIELDS

To neutralize sudden ex-parte preliminary injunctions (PIs) that can shut down your booth, you must deposit central and national **Protective Letters (Schutzschriften)** in advance.

- **Dual Filing Setup:** Always deposit parallel protective letters with the UPC Registry (Rule 207 RoP) and the German Central Protective Letter Register (ZSR) under ZPO § 945a.
- **The Strict 6-Month Deletion Trap:** Under both UPC RoP Rule 207.8 and German ZPO § 945a(2), protective letters are **deleted automatically after six months**. You must actively track and renew these filings to avoid defense gaps before trade show seasons.
- **German Utility Models (Gebrauchsmuster):** Excellent parallel protection. Registered in 6–12 weeks without substantive examination. Under GebrMG Section 3, it offers a 6-month novelty grace period for the inventor's own disclosures, but strictly **excludes software methods and chemical/biological processes**.
- **Customs Restriction:** Do not attempt to file protective letters with customs offices. European and German customs authorities do not accept protective letters and cannot adjudicate complex technical patent claims.

2. EMERGENCY IN-BOOTH PROTOCOL: COURT BAILIFF ARRIVAL

If a German court bailiff (*Gerichtsvollzieher*) or a UPC representative arrives at your booth to serve a preliminary injunction or seize physical products (Rules 196, 211, 212 RoP; Sections 935–945 ZPO), enforce the following steps immediately:

STEP	ACTION / IN-BOOTH PROTOCOL	CRITICAL DETAIL & LEGAL RIGHTS
1	Request Identification & Documents	Ask for the bailiff's ID and demand copies of the court order (PI) and the written application. Write down their name, title, and the court name.
2	Contact CASALONGA Immediately	Immediately call the CASALONGA Munich/Paris emergency contacts (see Page 2 directory) and connect the bailiff to your European legal representative.
3	Do NOT Sign, Admit, or Translate	Do not sign any documents (except a simple acknowledgment of receipt of physical papers if instructed by counsel). Do not attempt to translate or explain technical details to the bailiff.
4	Collect Evidence & Record Details	Write down the exact hour and minute of service. Take high-resolution photos of all seized products, records, and the bailiff's paperwork. This is critical for calculating appeal deadlines.
5	Execute Orderly Compliance	Once legal counsel is on the line, cooperate in a quiet, professional manner to prevent public escalation. Refusing physically to comply can lead to police involvement and criminal penalties.

3. CUSTOMS BORDER SEIZURES & DETENTIONS

Wares shipped from outside the EU (e.g., direct imports from China) can be stopped at airports or ports of entry by German or European customs under **EU Regulation No 608/2013** or **German National Law**.

- **The 10-Working-Day Destruction Rule:** Under EU Reg 608/2013, if customs stops your shipment, the importer has **only 10 working days** (3 days for perishables) to submit a formal written objection. **Silence is legally deemed as consent to destruction!**
- **German National Border Seizure:** Importers have a **2-week response window** to object to a national border seizure. Unlike EU law, silence does not equal consent; German customs must issue a formal confiscation order.
- **The Objection Mechanism:** If the importer files a timely objection (Widerspruch), the customs authority blocks destruction. The patentee is then forced to obtain a court preliminary injunction or file a full lawsuit within 10 working days (EU) or 2 weeks (DE) to maintain the seizure; otherwise, customs must release your products.
- **Exclusions & Utility Models:** Parallel imports (gray market goods) and license overruns are excluded from EU customs procedures, but can be targeted under German national border seizures. German Utility Models can only be enforced via national border procedures.

4. CRITICAL STRATEGIC MATRIX: MEASURES, TRIGGER & DEADLINES

MEASURE & FORUM	GEOGRAPHIC REACH	INTERVENTION TRIGGER	DEFENSIVE TIMELINE & ACTIONS
UPC Injunction (PI) (Unified Patent Court)	Participating EU States (18 Member States)	Credible suspicion / 'Sufficient certainty' of patent validity & infringement.	Review/Appeal: 15 calendar days to appeal or request review of an ex-parte PI. Automatic Lapse: PI expires if main action on merits is not filed in 31 calendar days / 20 working days.
German National Injunction (German Civil Courts)	German Territory Only	Obvious urgency ('Urgent need') & indisputable patent validity.	Protest (Widerspruch): No automatic deadline. Can be filed at any time to force oral hearing. Main Suit: Main action not automatic; defendant must apply to court to set a deadline for the plaintiff.
EU Border Seizure (Customs under Reg 608/2013)	EU External Borders (Non-Union goods only)	Reasonable suspicion of IP infringement (No prior approved application required for ex-officio action).	Silence Warning: Silence = automatic destruction. Must file a written objection within 10 working days . Court Clock: Rights holder must initiate court action within 10 working days of objection.
German Border Seizure (National Customs Law)	German Borders / Trade Fairs (Includes inner-EU trade)	Obvious infringement visible to a customs officer (Prior approved application is mandatory).	Written Objection: Importer has 2 weeks to object. Court PI: Rights holder must present a court preliminary injunction within 2 weeks (extendable to 4 weeks) of the objection.

5. CASALONGA EMERGENCY IP CONTACT DIRECTORY

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