

Practice Department

Intellectual Property



Patents
Trademarks
Unfair Competition

The law firm

PRACTICES & INDUSTRIES

Employment & Pensions
Individual and collective labour law

Finance & Projects
Banking, Structured finance, Funds,
Major projects, Outsourcing

Corporate / M&A
Capital markets, IPOs, Private equity,
Venture capital, Restructuring

Construction & Real Estate
Project development and management,
Construction contract law

EC Law / Antitrust
Merger regulations, Antitrust law,
Subsidies and grants, Regulatory affairs,
Tendering, Anti-dumping / WTO

Intellectual Property
Patents, Trademarks, Unfair competition,
Copyrights

Public Commercial Law
Public building regulations, Privatisations,
Environmental law

Tax Law
Corporate structuring

Commercial & Distribution
China desk,
Maritime,

Sales and contract law
Private Client

INDUSTRIES

Construction & Engineering

Banking & Finance

Infrastructure Projects

Life Sciences & Healthcare
Food, Medical devices, Pharmaceuticals

Media & Entertainment

Hospitality, Leisure & Travel

Technology
Information technology, e-commerce,
Telecommunications

Taylor Wessing is a full service law firm offering a powerful source of legal support for commercial organisations doing business in Europe. We advise major corporations, medium-sized companies, financial and public institutions as well as growing enterprises. We offer specialist services in all aspects of national and international commercial law, in particular, corporate/M&A, tax, finance and projects, construction and real estate, intellectual property, EC law/ antitrust, employment and pensions, and dispute resolutions.

Taylor Wessing offers industry-focused advice by grouping together lawyers from different legal areas, but with in-depth sector experience. With our renowned expertise in intellectual property, we are particularly strong in knowledge-based industries, such as IT and telecommunications, life sciences and healthcare, media and entertainment, leisure, fashion and travel. Other core industries include construction and engineering, infrastructure projects and the banking and finance sectors.

Taylor Wessing is based primarily in the three largest economies in Europe, and has offices in other countries, including China where our Shanghai office serves a thriving Chinese market. Our clients also have the added benefit of our wide network of partner law firms. In Germany, we are one of the leading law firms, with a team of more than 220 lawyers.

***The Taylor Wessing union creates
an Anglo-German technology giant***

Chambers & Partners

What makes us different?

THEORY VERSUS PRACTICE

Is theory good enough? Not for us. We believe success is a practical matter. To help your business succeed, we use our wealth of experience to focus on exactly what you want to achieve. Together we can work out what is feasible, and what makes economic sense. Like you, our bottom line is that business success needs ideas that work in practice.

SUCCESS DOESN'T HAPPEN BY CHANCE

Would you toss a coin when making an important business decision? Neither would we. We operate along economic principles, just as you do. Our approach is to work with you, developing pragmatic, cost-efficient ways to maximise your business success. We also maintain a keen interest in the details of your products, services and markets to ensure that success is a matter of planning, not chance.

A SINGLE, PERSONAL CONTACT

Are you frustrated if you have to say the same thing many times over? That's understandable. We overcome this by assigning an experienced partner as your personal contact for the entire project, to ensure consistency of communication. Your personal lawyer acts as your link to our entire range of legal resources. They will supervise and manage your legal affairs from the outset, becoming familiar with the specific complexities of your business area and your individual company needs. Because our lawyers work in busy international practice environments, they are aware of all the latest legal and business developments.



Practice Department

Intellectual Property

In an economy increasingly based on knowledge, information and branding, intellectual property (IP) is one of a company's most valuable assets. Business success often depends on how carefully you protect and defend these intellectual property rights. They are the keys to a company's innovative power and creativity. They can secure your reputation – and your market position.

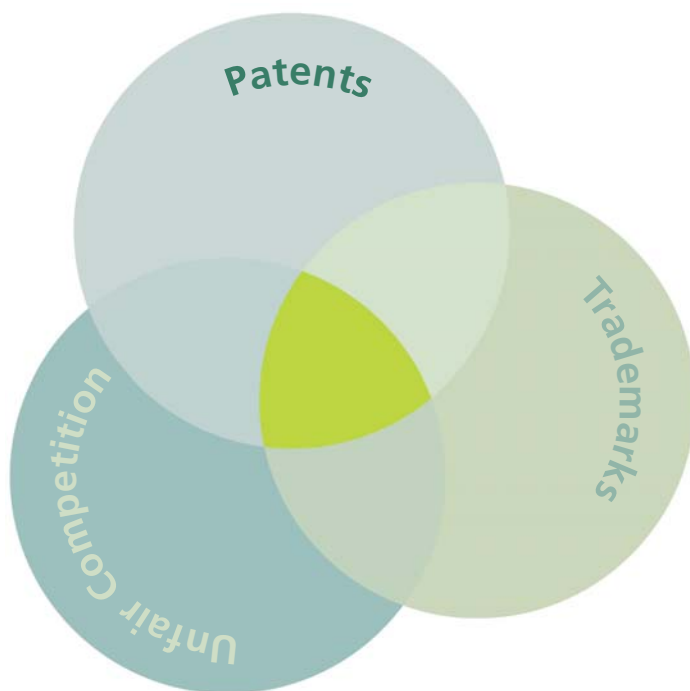
Taylor Wessing ranks among the market leaders in the field of intellectual property, enjoying an outstanding reputation for excellence, both in Germany and the UK. With more than 80 IP attorneys, half of them based in Germany, we are one of Germany's – and Europe's – largest IP practices. As you'd expect, many Taylor Wessing lawyers are acknowledged intellectual property experts with several decades' experience in providing their clients with valuable IP advice.

Our IP lawyers have formed specialist practice departments such as Patent Law, Trademark Law and Unfair Competition Law, so you can draw on the expertise of the entire group. Our attorneys also work closely and exchange knowledge with our other practice departments, such as Life Sciences, Media & Entertainment and IT.

Our clients include many well-known national and international enterprises across a wide range of industries.

Traditionally, we have covered a broad section of small to medium-sized enterprises (SMEs). Through many years of co-operation and successful client representation, we have earned a reputation as one of Europe's leading IP practices.

Our Intellectual Property Department is organised into the following three main sub-groups:





PIN: * * * * *

Patent Law

Patents protect innovation. They secure competitive advantages and revenue from licensing, making them a vital asset for any modern, technology-driven business. Substantial changes are being made regarding the scope for patenting innovations in areas like biotechnology and software, and also in protecting business models. These changes involve some highly complex legal issues, which is where Taylor Wessing can help.

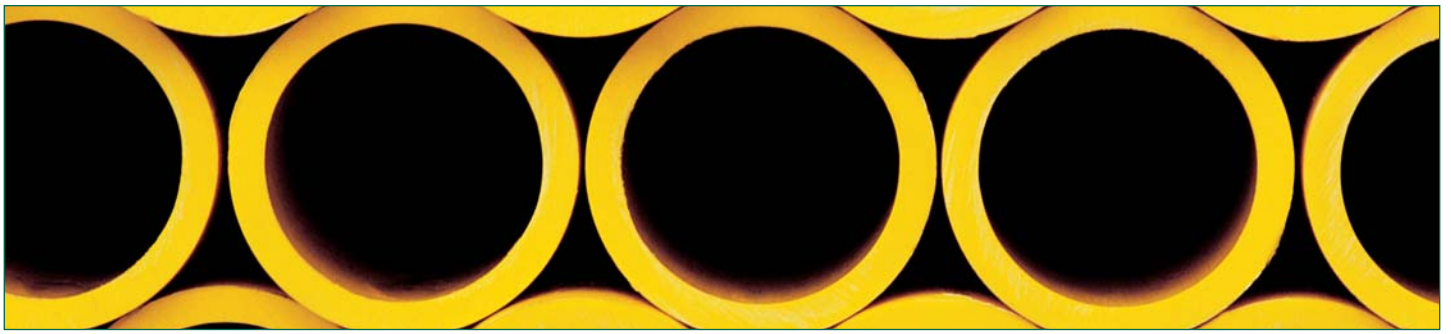
Patent law has long been one of our core competencies. Our Practice Department comprises more than 20 patent law experts, eight of whom work in Germany. They have in-depth knowledge across many industries, while some have additional science qualifications. All our clients are served by acknowledged, high-profile experts who can deal with any patent challenge.

Patent Litigation | Taylor Wessing offers an extensive range of law-court services. From litigation in national and international patent infringement cases, to nullity and recovery of patent ownership; from opposition and appeal proceedings before the European and German Patent Offices, to the negotiation and structuring of settlements. We also support our clients in what are often highly complicated disputes over trade and business secrets. An experienced litigation lawyer remains by your side during the entire project.

To make a realistic assessment and present the best possible case, a lawyer must be familiar with the different patent courts and have a trained strategic eye.

Taylor Wessing has successfully represented major enterprises as well as medium-sized businesses in actions of great economic significance. As one of the first German law firms to develop and manage cross-border litigation for our clients, we contributed to some landmark decisions by the German Federal Supreme Court, such as the famous 'Windsurfing' and 'Epi-Lady' rulings.

Taylor Wessing is a leading firm for multinational European patent litigation and for the presentation of cases to the European Patent Office.



Strategic advice on patent-related matters

Taylor Wessing delivers strategic advice on protecting and exploiting property rights, helping you develop standardised contracts for all your employees and contractors. We can help you comply with the law on employees' inventions, draft non-disclosure agreements and build up an effective, affordable patent portfolio.

When examining the possibility of patent protection for IP assets we will also look at

less costly alternatives for protection, such as registered utility models or certificates for new plant varieties, copyrights, designs and claims under unfair competition law.

Taylor Wessing helps medium-sized businesses build licensing models that ensure the best exploitation of their intellectual property.



Structuring of patent-related contracts

In an economy based on the division of labour, experts have to collaborate to successfully produce and exploit their technical innovations. A variety of contracts form the basis for this co-operation and co-ordination, e.g. R&D contracts, co-operation agreements, research contracts, distributorship and manufacturing agreements, licensing agreements, and joint ventures – to name but a few.

With a knowledge base built-up over many years, and with a full range of standard contracts, we can swiftly and effectively develop contract models that are tailored to your needs. Our patent law specialists adopt an integrated approach, co-operating

closely with colleagues specialised in other areas of the law. We offer you a co-ordinated, one-stop solution for a wide variety of related issues which need to be addressed, such as corporate law, distribution law, the law governing standard business terms and conditions, and German and European antitrust laws.

Taylor Wessing has helped to structure numerous international technology transfer agreements. We take pride in our long-standing business commitments in China (Shanghai Office) – where we have gained valuable expertise in technology-driven joint ventures.



Transactions with relevance under patent law

When evaluating a company, the sustainable value of a property rights portfolio plays an increasingly important role. Our IP and patent lawyers regularly team with their colleagues in the Corporate Department to prepare corporate transactions which require their specific skills and know how. When drafting IPO prospectuses or conducting due diligence reviews, we identify

and summarise portfolios of IP rights and licenses and analyse them with respect to existing legal risks and value.

By co-operating with our patent law experts, we can give proper consideration to IP-related rights and risks when structuring and drafting corporate transactions.





Trademark Law

Trademarks are among a company's most vital assets. One look at their significance in preparing company evaluations proves this importance. In an ocean of competing products, the trademark is frequently a consumer's only guide. The key to lasting market success is to be single-minded about linking a product's unique selling points to its distinguishing trademarks. However, distribution, marketing and development departments often overlook a trademark's legal aspects. It's important that legal counsel establish a trademark's significance and protection needs, and lay down guidelines for its use.

Taylor Wessing is represented where most of Germany's major courts have jurisdiction for trademark disputes. Our goal is to resolve disputes as quickly and effectively as possible, preferably out of court. Our work in the field of trademark and product piracy involves close co-operation with customs and prosecution authorities. We represent our clients' interests in application, opposition and cancellation proceedings before the German, UK and French trademark offices, as well as the OHIM in Alicante, the Federal Patents Court and the European courts.

WIP – Our software for your trademark strategy

You'll benefit from an in-house, paper-free department for trademark management, with a direct online connection between your office and your trademark portfolio data. Our trademark management software, gives you online access to all relevant portfolio data. Our EDP department looks after your system connection and updates the software to match your needs.



Trademark services - an overview

Trademark strategy

We help our clients develop a successful trademark strategy which covers all brand rights (company symbols, titles of works, domains). We also identify the best forms of protection – from both a trademark law and commercial point-of-view.

Trademark searches

Our teams perform full trademark searches, including global searches, for identical or similar trademarks, and give you a comprehensive analysis of the results.

Trademark applications

We handle application and registration procedures and represent you before national and international authorities and courts. With our global network of lawyers, we can co-ordinate all activities relevant under trademark law.

Trademark licensing

We advise on national and international licensing agreements and can draft the entire contract. Our services also include licence management.

Trademark defence

We represent our clients in trademark infringement proceedings before all German, French and British civil courts (including the German Federal Supreme Court and the House of Lords), and the European Court of Justice. We advise clients in several countries on multinational strategies for trademark protection and co-ordinate their trademark infringement proceedings. We help in the cost-effective and rapid resolution of trademark disputes, and we help our clients reach out-of-court settlements.

Trademark monitoring and management

Taylor Wessing manages trademark portfolios, for example, extending and updating them, and monitors trademark use. We manage their registration and evidence of use by computer, and also monitor the market for interfering brands.

Advice relating to corporate transactions

Our attorneys advise on transfer of trademark rights and questions of trademark ownership. They also perform due diligence reviews of trademark portfolios that are up for sale or potential acquisition.

Parallel imports

We are here to assist you on complex legal issues relating to parallel imports of branded products within the European Union.

Combating trademark piracy

We develop global strategies to combat trademark piracy. We can also advise and represent you in border seizures and related criminal law.

Domains and Internet

We undertake out-of-court dispute resolutions, for instance before the WIPO. We protect your domain names by applying all the possibilities under trademark and competition law.

Importance of trademarks for a company

Through our practical in-house seminars and guidelines for trademark use, we can increase your staff's awareness of trademark issues, and demonstrate how trademarks add to your company's success.

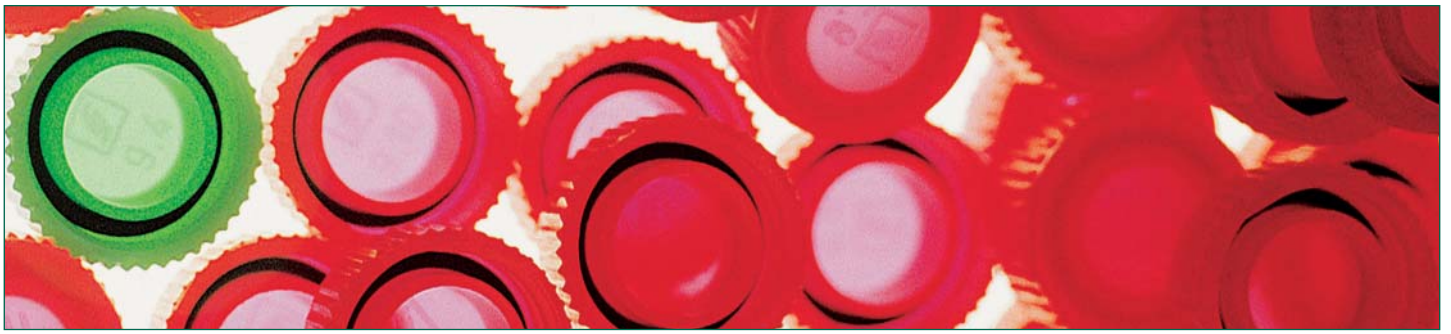


Unfair Competition Law

Subtle details often tip the balance between success and failure in advertising and marketing campaigns. Courage and creativity are essential – but it's unwise to overstep legal limits. The rules of fair play must be followed. In Germany, the 'Act against Unfair Competition' sets the standard. Although competition law has been liberalised a little, its rules are still relatively strict. Competitors, consumer and business associations can all pursue infringements – which can result in hefty sanctions. However, competition law does create a level playing field, leaving little room for distortion. Companies can take quick, effective action against a competitor's unfair conduct, and safeguard their commercial interests.

Taylor Wessing has several decades' experience in competition law. Our in-house knowledge management team has cut through the almost impenetrable thicket of case law. We put our knowledge to work for your benefit. We can show you how to make full use of the legal options available to advance your market position. Specialisation means our lawyers are highly familiar with the rules and regulations of individual industries.

We can help ensure that your sales and promotional campaigns are legally sound. We are happy to make creative suggestions on how to reduce the potential for legal complaints. With our help, you'll be able to put a quick stop to unfair conduct from your competitors, such as misleading advertising, taking unfair advantage of another's reputation, disparagement, obstructive practices and inadmissible imitation of your products and packaging. With a combination of specific industry knowledge, a team-driven structure and offices within the jurisdiction of most major courts, we can mount a swift and effective response to your competitors' infringements. And defend your company against unjustified claims by third parties.



Sales promotion | Our services cover all the legal aspects of sales promotion – such as bonus gifts, price discounts, promotional gifts, games of chance and customer loyalty schemes. Although the governing body of law was liberalised in 2001, legal assessment remains just as complex. The general principles embodied

in competition law – ‘no misleading’, ‘no exaggerated enticements’, the transparency requirement – have not changed. It takes a fine legal instinct and many years of experience to deal with these matters appropriately.



Product imitation | One principle of competition law is that achievements not protected by special law may be imitated. This could result in your competitors copying your products or advertising campaigns. Nevertheless, the law states that imitations have to be ‘fair’ – meaning they must not breach the principle of fairness in competition. Case law grants

protection to your unique, highly competitive achievements against a likelihood of confusion or taking unfair advantage of your reputation. This frequently leads to ‘ancillary protection’ of IP rights under competition law.



Protection of knowledge | Disclosure of secrets, industrial espionage, poaching key staff and the like can seriously damage a company. However, protection under criminal law often cannot be enforced. In these cases, competition law does pro-

vide flexible, objective protection against the takeover of corporate assets. Our specialised attorneys will help to secure and defend your business.



Advertising | While advertising should be creative, it must not be misleading. This general principle gives rise to a number of legal questions. For instance, who is actually setting the standards? How is exaggerated advertising to be treated? In giving their assessment, the specialised lawyers in our practice group consider all the complex special rules. For example, rules on advertising in the healthcare or

environmental protection fields, and advertising aimed at children. Another sensitive topic is the legal position of editorial articles that compare named products against those of competitors. Our experts are also developing strategies and defending clients’ interests in new areas, such as unsolicited phone calls and e-mails.



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