



## European IPR Helpdesk

# Fact Sheet

## *IP considerations for trade fair organisers*

*This fact sheet has been developed  
in cooperation with*



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### **Introduction**

Trade fairs and exhibitions are great opportunities for manufacturers and service providers to exhibit their state-of-the-art products and services. They are also a chance to analyse market tendencies and competitors' products: nowhere else can a company compare its own products with those of its competitors as easily as at exhibitions. Therefore, it is not surprising that sometimes, during these events, exhibitors may find some products infringing their intellectual property rights (IPR).

This risk might discourage companies from participating in trade fairs and from displaying their products therein.

Aware of this risk, exhibition and trade fair organisers are taking initiatives aimed at easing the fight against intellectual property (IP) infringement, in order to offer an improved service to the exhibitors. Indeed, adopting measures to prevent the exhibition of counterfeit products at trade fairs brings in several advantages:

- it contributes to the positive image and reputation of the trade fair, thus raising the profile of the event;
- it attracts exhibitors since it creates a fair business environment;
- it reduces the risk of disputes between exhibitors who might count on a pre-defined set of rules and procedures that can constitute valuable guidance when IP counterfeiting issues arise at trade fairs;
- attracting more exhibitors has a revitalising effect from which the industry as a whole and, eventually, consumers can benefit from.

This fact sheet offers an overview of the most relevant initiatives taken by some trade fair organisers and associations to prevent the infringement of IPR during trade fairs as much as possible. These may be considered as best practices<sup>1</sup> coming from individual initiatives with the aim to contribute to tackle the problem of counterfeiting and to assist exhibitors in protecting their IPR and in respecting the IPR of others.

Although adopting such good practices would decrease the risk of infringing products, it is important to note that trade fair organisers are not in a position to determine with certainty an IP infringement, nor have the right to directly sue prospective IP infringers, as only right holders are allowed to enforce their IPR.

## 1. Existing initiatives

The table below provides an overview of existing measures offered by trade fair organisers to inform about possible mechanisms to help exhibitors to better prevent and fight against IP infringements.

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<sup>1</sup> These are mere examples, and legal considerations on national laws need to be taken into account when it comes to implement them.

### Best practices for IP related activities at Trade Fairs:

Many trade fair organisers offer the following IP-related services or a choice from those according to their exhibition's specific IP relevance, international scope and the number of infringement cases and exhibitors' request experienced.

The examples mentioned are merely for illustration and shall not represent a preference or promotion advantage. The list is not exhaustive.

	GOOD PRACTICES	EXAMPLES
<p><b>Relevant customer information</b></p> <p><b>This may include:</b></p> <ul style="list-style-type: none"> <li>- The company's IPR policy</li> <li>- Clauses in General Terms and Conditions and stand contracts</li> <li>- Tips to reduce the risk of counterfeiting</li> <li>- Information about Exhibition Priority Certificates</li> <li>- Tips about how to react in case of infringement</li> <li>- Useful contacts</li> <li>- Practical help during the exhibition</li> </ul>	<ul style="list-style-type: none"> <li>- Standard on European leading international trade fairs, for example: Bolognafiere , Deutsche Messe AG, Fiera Milano, Fira Barcelona, IFEMA Madrid, Koelnmesse, Landesmesse Stuttgart, MCH Group, Messe Frankfurt, Nürnberg Messe, Palexpo Geneva, Poznan International Fair, RAI Amsterdam, ROTA (Greece), Salone del Mobile Milano, Veronafiere and many others.</li> <li>- Exhibition Associations provide information, e.g.: AUMA, CEFA, EMECA, IFES, UFI</li> </ul>	
<p><b>On-site assistance</b></p> <p><b>This may include:</b></p> <ul style="list-style-type: none"> <li>- Hotline</li> <li>- Dedicated stand on the exhibition floor</li> <li>- Cooperation with IPR experts, e.g. from national patent offices, IPR Helpdesks, WIPO or sector experts (see useful resources on page 11)</li> <li>- Collaboration with local authorities</li> <li>- Legal service to support inquiries and enforcement</li> <li>- Contact with customs and police</li> <li>- Alternative dispute resolution mechanisms, if applicable in cooperation with Chambers of Commerce, WIPO or other specialised organisations</li> </ul>	<ul style="list-style-type: none"> <li>- Info booth offered, e.g. by Bolognafiere, Deutsche Messe AG, RAI Amsterdam, Fiera Milano, Koelnmesse, Messe Frankfurt, Salone del Mobile and many others</li> <li>- Alternative dispute resolutions offered, e.g. byMCH Group Palexpo Geneva, Spielwarenmesse Nürnberg, and a few others</li> </ul>	

	GOOD PRACTICES	EXAMPLES
<p><b>Awareness raising</b></p> <p><b>This may include:</b></p>	<ul style="list-style-type: none"> <li>- Active customer information via website, newsletters, blogs, other regular or focussed publications</li> <li>- Exchange with the respective sector's business associations</li> <li>- Active communication of rules and warnings in "high risk countries"</li> <li>- MOUs with relevant customer groups from "high risk countries"</li> <li>- Training before and during the trade fair for exhibitors and visitors</li> <li>- Presentations or workshops about IP at trade fairs at national or international sectoral organisms and other multipliers</li> <li>- Ongoing contact with national, EU and relevant other international authorities</li> <li>- Media coverage of IP actions, active communication or response in trade fair media, general media or sectoral media of the respective trade fair</li> </ul>	<ul style="list-style-type: none"> <li>- Active customer information standard by many European leading international trade fairs</li> <li>- MOU for example by Koelnmesse</li> <li>- Training e.g. by Salone del Mobile Milano</li> <li>- Presentations and contact with authorities by many European leading international trade fairs and many exhibition associations</li> <li>- Media coverage by many leading European international trade fairs</li> </ul>

## 2. Awareness raising

### *Guidelines on IP issues*

As shown in the above table, a first good practice for trade fair organisers consists of creating guidelines for exhibitors participating in the event, distributed along with the registration forms and via their website<sup>2</sup>. These guidelines should address the main IP issues that should be considered before and when participating in a trade fair<sup>3</sup>. Being aware of the risks is part of a thorough preparation, which is essential for a successful participation in these events.

Some of the IP issues to be put forward in the guidelines would be:

- ✓ **Need for protection and registration of IP assets, including confidential business information;**
- ✓ **Geographical extension/coverage and time limits of IPR;**
- ✓ **Importance of bringing to the trade fair all original documents or certified copies of IPR titles, in any likelihood of infringement;**
- ✓ **Opportunity to inform that products are IPR-protected by marking them with IP notices such as © for copyright, ™ and ® for trade marks;**
- ✓ **Gathering evidence (e.g. photos, leaflets, etc) when coming across potential infringers;**
- ✓ **Reporting of suspicious products to organisers before and during the event.**

Alongside these aspects, the guidelines should also give some advice on:

- how to approach the alleged infringers and measures available (e.g. declaration to cease and desist, compliance procedures);
- how to obtain evidence, preliminary injunctions or seizure orders from local authorities; as well as
- IP lawyers, attorneys and public bodies to contact in case of need (i.e. contacts list).

<sup>2</sup> Many legal departments of trade fair organisers have already prepared guidelines. Further information is available on the table at page 3.

<sup>3</sup> The European IPR Helpdesk has issued a fact sheet on "IP in trade fairs", that covers in more detail what exhibitors should take into consideration when participating in trade fairs. It is available in our online [library](#).

### *Other informative material*

Information on IP issues to consider before and during the participation in a trade fair can also be given by means of informative brochures or flyers distributed to the exhibitors and published on the event website. This informative material may provide simplified and brief information on how to handle IP issues including links and references to more detailed guidelines.

In addition, information on the importance of IP protection at trade fairs can also be included in the exhibitors' manual or in the trade fair's general terms and conditions.

## **3. On-site assistance**

### *Information desk*

Insofar as the on-site assistance is concerned, this would entail having, in the first instance, an *IP information desk* where to answer questions about how to ensure protection from trade mark and product piracy. Organisers may also provide information on the subject of national and European registration of IPR<sup>4</sup> and the border seizure measures of national and EU customs. All this information could also be imparted through *ad hoc* training sessions organised in collaboration with national IP offices before the trade fairs.

### *Legal support*

In parallel with the IP experts list included in the guidelines, organisers might also arrange for on-site legal support<sup>5</sup>. This service would offer exhibitors practical support by IP experts, in accordance with a broader cooperation concluded with national IP offices, Enterprise Europe Network organisations and other relevant IP institutions<sup>6</sup>. Such services may deal with any IP issues at the request of the interested parties for the entire duration of the trade fair, assisting both the alleged infringer and the infringed party, while the matter may still be referred to the competent IPR authority when the parties deem it appropriate.

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<sup>4</sup> IPR can be registered at national level by filing an application with the relevant National Intellectual Property Office. Trade marks and designs can be protected at European Union level by filing an application with the [EUIPO](#).

### *Product banning*

In addition to that, fair organisers could act in collaboration with right holders in case an infringement is confirmed, sometimes even before the fair starts. More precisely, once the right holder has gathered evidence that a suspicious product is going to be exhibited at the fair, they can immediately inform the organisers who, in turn, can warn the alleged infringer not to show the product concerned. In general, collaborating closely with the lawyers of exhibiting companies to prevent piracy, and facilitating the intervention of Notaries Public, court officers and other relevant public authorities on the exhibition's premises is key to ensuring credibility and a strict and steady enforcement of the applicable rules.

### *Dispute resolution*

As described in the table above, trade fair organisers in several European countries have adopted measures to protect exhibitors (and sometimes non-exhibitors) against IP infringements at trade shows.

## **Italy**

By way of example, in Italy there is a system based on the adoption and recognition of a specific "[Intellectual and Industrial Property Service Regulation](#)" that applies to any trade fair exhibitor agreeing to adopt it. Such regulation is a sort of arbitration regulation with a pre-trial evidence collection system. The Service Regulation defines the procedure, the costs and the scope of interventions and decisions.

The injured party can orally file a complaint with the delegates of the Service who will inspect the booth of the alleged infringer. After having gathered all the evidence, a verbal proceeding including the pictures and any declaration of the claimant and the defendant is recorded. Thereafter, a panel of three senior experts examines the complaint based on the IPR and the contested objects in a session where all parties are present. The panel makes a decision, based on EU legislation and case law, within one hour from the ending of the hearing. Such decision is made in writing and delivered to the parties, with immediate effect. If the panel establishes the existence of an infringement, the defendant is invited to immediately remove the contested item(s)<sup>7</sup>.

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<sup>7</sup> More information on this service regulation can be found in "IP Protection at Trade Fairs in Europe", available [here](#). The Intellectual Property Service Regulation is available [here](#).

## Switzerland

Specific measures to resolve disputes that might occur during trade fairs were also adopted in Switzerland, with reference to trade fairs taking place in Geneva and Basel.

### Fast-Track Procedure for Palexpo Trade Fairs, Geneva

Based on the WIPO Arbitration and Mediation Center's (WIPO Center) dispute resolution system, Palexpo and the WIPO Center have developed a Fast-Track Intellectual Property Dispute Resolution Procedure (Fast-Track Procedure), specially designed to protect exhibitors' and non-exhibitors' IPR against infringements at trade fairs organised at Palexpo's premises in Geneva. The Fast-Track Procedure grants exhibitors and non-exhibitors a cost- and time-efficient legal mechanism to protect their IPR and related commercial interests at a trade fair within 24 hours. An Expert Panel with relevant expertise in the substance of the dispute renders a binding decision enforceable with immediate effect at the trade fair. The Expert Panel may make a decision that it considers urgently necessary to preserve the rights of the parties. In particular, it may order closure of a stand, removal of the disputed items from a stand, cessation of sales of the disputed items and performance of other legal obligations by a party during the trade fair. The Fast-Track Procedure has been successfully used since 2015 at the International Motor Show and will be used at other Palexpo trade fairs<sup>8</sup>.

### Baselworld, Basel

Since 1985, an on-site 24-hour dispute resolution mechanism has been established at the Baselworld – the Watch and Jewellery Trade Show in Basel. Exhibitors and non-exhibitors who are concerned that their IPR are violated may file a complaint with the Baselworld Panel – an expert board deployed for the duration of the show. Once the complaint is filed, a delegation from the Panel, together with the applicant, inspect the booth of the respondent to clarify the issue. The respondent has the opportunity to comment on the complaint, and the delegation can take pictures and is entitled to request that objects from the respondent's booth are handed over temporarily to the panel. Following the inspection of the booth, the Panel decides about the complaint in a plenary session. If the panel decides that there is a violation of an IPR, the defendant party has to remove the contested objects immediately from the booth and stop selling or offering it. The decision will be disclosed to both parties in writing on the following day.<sup>9</sup> In the 33 years of its existence, the panel decided in more than 800 cases. Due to its jurisdiction and its preventive effect, the panel is respected by the exhibitors and the number of cases has been reduced from year to year. Although the decisions are formally only valid during and within the show, the effect goes beyond and the written decisions by the panel are in some cases used as an expertise by ordinary courts after the show.

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<sup>8</sup> Further information is available [here](#).

<sup>9</sup> Further information is available [here](#).

In the same vein, trade fairs organisers in Germany, the Netherlands and Spain also offer measures relating to the protection of IP infringements at trade fairs (see the table on page 3).

#### Other measures

Prohibition of taking photographs may also be foreseen and applied during the trade fair throughout the exhibition grounds.

Trade fairs being international in nature, organisers may also provide interpreters to facilitate communication in case of disputes with foreign exhibitors.

#### 4. Strong policy and terms and conditions within contracts with exhibitors

While, on one hand, trade fair organisers and associations have no legal authority to enforce IPR, on the other hand they do lay down rules, the so-called *Terms & Conditions*, that exhibitors accept when signing the agreement to exhibit in the fair (*Stand Agreement*). Accordingly, they should highlight the trade fair policy and include provisions helping exhibitors fight IP infringement.

First and foremost, all the proposed measures should be at least cited within the *Terms & Conditions*, in order for the exhibitors to abide by the fair's IP rules and practice. Thereafter, specific measures can be referred to other documents for more detailed rules (e.g. disputes resolution mechanisms).

Overall, it is very important to warn exhibitors and to be very clear with them about the consequences of IP theft. Indeed, *Terms & Conditions* should be clearly worded regarding counterfeiting and product piracy, to dissuade copycats from entering the trade fair. Here below are some sample clauses that organisers may include in the *Terms & Conditions* for exhibiting at their trade fair. Nevertheless, such clauses need to be adapted to the specific show environment and mainly in accordance with national laws. For this purpose, fair organisers are advised to seek the assistance of an IP expert who can prepare or review the IP-related terms and conditions of the stand agreements.

The Participant is not permitted to display, offer and/or sell any goods in the Convention Centre, which infringe the intellectual property rights of a third party.

[Standard Terms and Conditions - Amsterdam RAI]

Every exhibitor has to agree to the fair's *Terms & Conditions* before participating in a trade show. Organisers may ask the exhibitors to remove the alleged infringing products, and exclude those who are not compliant with these rules.

As a last resort measure, fair organisers may also resign from the contract and ask for compensation in the case of contractual violations.

After the lapse of the notice period, the Organisers are entitled to withdraw from the contract if essential contractual clauses are violated, in particular if:

- a. [...];
- b. The exhibition violate the rights of third parties;
- c. [...].

The Participant will indemnify the Organisers should the exhibition violate the rights of third parties, in particular intellectual property rights and competition rules.

[Standard Terms and Conditions - sample]

The *Terms & Conditions* may also include an agreement by the participant (exhibitor) to submit the dispute to a certain alternative dispute resolution procedure. Here is a sample clause:

The Participant hereby agrees to submit, during the entire duration of the fair, any dispute, claim or complaint related to the goods exhibited and protected by intellectual property rights to the [IP dispute resolution body].

[Standard Terms and Conditions - sample]

As trade fairs run well if the business environment is not disturbed by any visible or conflictual moves, in order to achieve a positive atmosphere during the fair, the *Terms & Conditions* may provide an obligation for exhibitors to exercise their legal rights in a reasonable manner.

Exhibitors undertake to exercise their legal rights in a reasonable manner, with particular regard to the possibilities offered them by these Terms and Conditions and not to engage in any publicity concerning the [IP dispute resolution body]'s decisions or measures taken for protecting exhibitors' IPR.

[Standard Terms and Conditions - Baselworld]

## 5. Memorandum of understanding between partners

To better fight the IPR infringement of exhibited products and to highlight their proactive commitment, trade fair organisers could sign a memorandum of understanding with their international counterparts.<sup>10</sup> This would create the conditions necessary to resolve IP infringements in a timely manner and to help affected exhibitors assert their IPR.

The memorandum would commit the group organisers to adhere to a set of protection measures for IPR (e.g. like those mentioned above). It should stipulate that all of the signing parties would adopt those measures to promote the protection of IP at trade fairs and to prevent any violations of such rights.

<sup>10</sup> Koelnmesse and its Chinese business partners have signed an IP memorandum to fight IPR infringement at trade fairs. For more information, please click [here](#).

In the end, the memorandum would clearly indicate what consequences IPR infringers may face, according to the *Terms & Conditions* of the stand agreement and the national laws of the place where the trade fair is organised.

## Useful Resources

For further information on the topic please also see:

- Fact sheet on “Intellectual Property management at trade fairs”  
[http://www.ipr2.org/images/roadmap\\_trade\\_fairs\\_in\\_europe-en.pdf](http://www.ipr2.org/images/roadmap_trade_fairs_in_europe-en.pdf)
- IP Protection at Trade Fairs in Europe  
[http://www.ipr2.org/images/roadmap\\_trade\\_fairs\\_in\\_europe-en.pdf](http://www.ipr2.org/images/roadmap_trade_fairs_in_europe-en.pdf)
- How to Protect your Intellectual Property at Trade Fairs - Experience and practice in Europe  
<http://www.ipr2.org/tradefair>
- Alternative dispute resolution services at the WIPO Arbitration and Mediation Center  
<http://www.wipo.int/amc/en/index.html>

To get further assistance, please contact:

- China IPR SME Helpdesk: [www.china-iprhelpdesk.eu](http://www.china-iprhelpdesk.eu)
- South-East Asia IPR SME Helpdesk: [www.southeastasia-iprhelpdesk.eu](http://www.southeastasia-iprhelpdesk.eu)
- Latin America IPR SME Helpdesk: [www.latinamerica-ipr-helpdesk.eu](http://www.latinamerica-ipr-helpdesk.eu)
- Enterprise Europe Network: [een.ec.europa.eu](http://een.ec.europa.eu)
- European Union Intellectual Property Office (EUIPO): [www.euiipo.europa.eu](http://www.euiipo.europa.eu)
- European Patent Office (EPO): [www.epo.org](http://www.epo.org)
- World Intellectual Property Organization: [www.wipo.int](http://www.wipo.int)
- National Intellectual Property Offices: [www.wipo.int/directory/en/urls.jsp](http://www.wipo.int/directory/en/urls.jsp)

## GET IN TOUCH

**For comments, suggestions or further information, please contact**

European IPR Helpdesk  
c/o infeuropa S.A.  
62, rue Charles Martel  
L-2134, Luxembourg

Email: [service@iprhelppdesk.eu](mailto:service@iprhelppdesk.eu)  
Phone: +352 25 22 33 - 333  
Fax: +352 25 22 33 – 334



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## ABOUT THE EUROPEAN IPR HELPDESK

The European IPR Helpdesk aims at raising awareness of Intellectual Property (IP) and Intellectual Property Rights (IPR) by providing information, direct advice and training on IP and IPR matters to current and potential participants of EU funded projects. In addition, the European IPR Helpdesk provides IP support to EU SMEs negotiating or concluding transnational partnership agreements, especially through the Enterprise Europe Network. All services provided are free of charge.

**Helpline:** The Helpline service answers your IP queries within three working days. Please contact us via registration on our website – [www.iprhelppdesk.eu](http://www.iprhelppdesk.eu) – phone or fax.

**Website:** On our website you can find extensive information and helpful documents on different aspects of IPR and IP management, especially with regard to specific IP questions in the context of EU funded programmes.

**Newsletter and Bulletin:** Keep track of the latest news on IP and read expert articles and case studies by subscribing to our email newsletter and Bulletin.

**Training:** We have designed a training catalogue consisting of nine different modules. If you are interested in planning a session with us, simply send us an email at [training@iprhelppdesk.eu](mailto:training@iprhelppdesk.eu).

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