

**RESULTS REPORT
INTELLECTUAL PROPERTY FAST ACTION PROTOCOL
MOBILE WORLD CONGRESS 2024**

**COMMERCIAL COURT OF BARCELONA
EUROPEAN UNION TRADE MARK COURT
OF FIRST INSTANCE OF ALICANTE**

1.- The panel of Judges of the Commercial Court of Barcelona and the panel of Judges of the European Union Trade Mark Court of First Instance of Alicante, at its joint meeting on the 24th November 2023, 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 26th February to the 29th February 2024.

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) To Adopt and extend the immediate enforcement of the preliminary injunctions and/or urgent measures filed, when they comprise acts of presentation, exhibition, promotion, offer or sale, carried out or that are going to be carried out by the exhibitors and participants on the occasion

of this congress, in the metaverse or any other type of environments and virtual worlds or online platforms.

e) To adopt and extend the immediate enforcement of the preliminary injunctions and/or urgent measures filed, previously listed, particularly when they include acts derived from images, texts, videos, sounds, voices of people or, in general, content, predictions, recommendations or decisions generated by automated mechanisms, software, algorithms or artificial intelligence systems.

f) 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:

i) Commercial Court of Barcelona: **18 protective letters** have been filed: **16 related with patents, 1 related with national trademark and 1 about generative software for Artificial Intelligence and business secrets**. All of them were processed and resolved on time before the start of the Congress.

ii) European Union Trademark Courts in Alicante: **2 protective letters** have been filed regarding **EU trademarks**.

iii) There were not preliminary injunction petitions.

iv) A total of **20 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: the resolution commitment within a period of 24 hours has been respected of the protective letters filed.

5.- This year, 2024, is the **tenth year** of application of the Protocol, consolidating the volume of cases entered in relation to those entered in 2023.

6.- Final valuation:

- For the second consecutive year, no preliminary injunctions and/or urgent measures have had to be carried out, which reflects the legal certainty that the application of the Protocol and its measures grants to exhibitors.

- Compared to the traditional predominance of registered patent matters, this year we highlight the trend towards diversification in matters, with the

entry of cases (4) related to EU trademarks, national trademarks, as well as a copyright matter and artificial intelligence.

7.- Our forecast is that in the next year 2025 the volume and number of matters registered will be maintained and/or increased, as well as that the trend towards diversification in intellectual and industrial property matters will continue.

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 March 8th, 2024

Commercial Court of Barcelona.

European Union Trade Mark Court of First Instance of Alicante.