

TRADEMARKS & DESIGNS

Our trademark and design practice provides strategic advice to trademark and design owners and assists them in the prosecution and enforcement of their portfolios in Belgium, Europe and worldwide.

Sound Advice & Litigation Proficiency

We are trial lawyers first and foremost. Our lawyers have extensive courtroom experience and understand how to present complex ideas in straightforward terms. However, our initial aim is always to work with our clients to prevent disputes arising. Should it then become necessary to take further action, we help our clients resolve disputes quickly and favorably.

“Clients are ‘very pleased with the firm’s understanding of trade mark law’” Legal 500 EMEA, 2016

We provide clients with clear, concise advice on all relevant issues, including clearances, nullity arguments, infringement questions and cross-border litigation strategies before the Belgian and European courts as well as before the European and Benelux intellectual property offices. We are also one of Belgium’s leading practices when it comes to pre-trial discovery proceedings (*‘saisie-contrefaçon’*), and regarding the prevention of cross border trade in counterfeit goods through customs actions.

Maximizing Investment

In cooperation with lawyers from our Corporate Group, we are able to provide commercial and pragmatic advice on all aspects of trademark and design transactions. We recognize the intrinsic importance of trademarks and designs to many companies, and we combine our legal experience with business acumen to assist clients in drafting and negotiating their agreements (license agreements, transfer agreements, co-existence agreements, joint development agreements, manufacturing agreements and marketing, reseller and distribution agreements).

Trademark & Design Prosecution

We recognize that there is little benefit in obtaining trademark or design protection if that protection is subsequently found to be invalid or severely limited by litigation. Our trademark and design litigators therefore work closely with Crowell & Moring (U.S.-based) and outside trademark and design prosecutors to ensure that clients are aware of the latest developments regarding the prosecution and protection of their creative assets.

“The [Crowell & Moring] team is seen in contentious trade mark matters before the IP offices and courts. They have assisted us in many oppositions which have settled on positive terms,” says one client.” Managing IP Magazine, 2017

We also advise clients on relevant competition law, particularly in relation to abuse of dominant position, exclusivity and parallel imports. We offer training, both online and face-to-face, specifically tailored to the needs of individual companies and associations.

Our Team

Crowell & Moring fields a “highly regarded team with a standout reputation in [...] patent, trade mark and design litigation.” Chambers Europe, 2017

Crowell & Moring’s Brussels office has a strong domestic, European and international trademark practice. For complex international matters we are able to rely on excellent support from our Crowell & Moring U.S. colleagues and on a network of trusted local trademark lawyers across Europe.

Crowell & Moring “has substantial strength in depth in the trademark sphere, acting with equal dexterity in domestic, European and global matters for a diverse clientele.” World Trademark Review 1000, 2017

“Partner Jan-Diederik Lindemans’ enviable expertise covers myriad aspects of IP and entertainment law; he is a heavy-hitter in the media, fashion and advertising sectors, among others. Peers praise him as a ‘great litigator with the proven ability to handle complex trademark cases.’” World Trademark Review 1000, 2017

*The percipient **Christian Dekoninck** is another favoured advocate of pre-eminent players in industries as diverse as media and life sciences.” World Trademark Review 1000, 2017*

Representative Matters

- Represented clients in trademark opposition and invalidity proceedings before the EUIPO and BOIP.
- Represented a client in litigation relating to an alleged bad faith trademark registration.
- Represented a pharmaceutical company in litigation relating to the validity of a color trademark.
- Represented a food manufacturer in a trademark infringement case, including litigation before the Court of Justice of the European Union.
- Represented a betting company in litigation against a premier league soccer team relating to the use of their name for a betting app.
- Represented a German manufacturer of juices in litigation relating to the alleged infringement of a 3D trade mark for pouches.
- Advised an international trade association on how to protect its new name and logo, as well as on the use thereof by its members.
- Advised on the development of a trademark and registered design portfolio related to luxury leisure wear and on intra-company licensing agreements to ensure fiscal optimization of IP-based revenue.
- Registered design litigation on behalf of an agricultural machinery engineering company to stop the sale of counterfeit machinery by a former business partner of our client.
- Represented a leading European media company in trademark litigation in several European countries against a leading U.S. media company.
- Represented multinationals and global social media operators in trademark infringement litigation against social media users.
- Represented pharmaceutical companies in parallel import litigation.
- Assisted a leading global lighting manufacturer by (i) providing advice on its existing trademark and designs portfolio and enforcement strategy; (ii) representing it in a trademark dispute with a competitor; and (iii) assisting it in its ongoing battle against counterfeit lighting fixtures; (iv) handling a commercial negotiation in relation to design and copyright infringements.
- Obtained a counterfeit seizure on behalf of a manufacturer of horse trucks in order to discover the origin and scope of a design and copyright infringement.

CONTACTS



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