

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 the 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. 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. 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 domain name, 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."

"Seasoned litigation partner Flip Petillion leads the trademark team and comes recommended as a trustworthy adviser in the highest-stakes cases. One fellow professional salutes him for his extraordinary availability: 'he can be reached pretty much any time', always responding to urgent matters quickly and cogently."

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.'

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 various clients in trade mark opposition and invalidity proceedings before the EUIPO and BOIP.
- Represented a client in litigation relating to an alleged bad faith trade mark registration.
- Represented a pharmaceutical company in litigation relating to the validity of a color trade mark.
- Represented a food manufacturer in a trade mark infringement case, including litigation before the European Court of Justice.
- Represented a betting company in litigation against a premier league soccer team relating to the use of their name for a betting app.
- Represent 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.
- Litigated on behalf of a top three Belgian media player to stop the use of its well-known trademark in comparative advertising from a competitor trying to take unfair advantage of the trademark and the client's reputation.
- Represented a European leading media company in a litigation conducted in several European countries against a U.S. leading media company on the use of a well-known trademark.
- Represented a famous Belgian cyclist in the defense of his trademark and the worldwide management of his trademark portfolio.
- Advised on the development and protection of a brand of new champagne.
- Represented multinationals and global social media operators in trademark infringement litigation against social media users.
- Represented pharmaceutical companies in parallel import litigation.

CONTACTS



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