

Dr. Constantin Rehaag

Partner



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Overview

Dr. Constantin Rehaag, MA, is a partner in Dentons' Frankfurt office. Since 2005 he specialises in intellectual property and unfair competition law, in particular trademarks, designs and copyright law. Constantin has comprehensive experience in IP litigation including patent litigation, in advising on and negotiating license and IT agreements, in registration and in anti-counterfeiting work as well as related criminal law. He also advises clients on data protection law. His comprehensive sector experience covers the following industries: pharma, air transportation, luxury goods and fashion, automotive, music and publishing, printing and office machinery, forestry and construction, drinks and tobacco as well as logistics.

Constantin regularly publishes articles on intellectual property law and is a lecturer-in-law at the University of Passau.

Experience

- **Market leading German pharmaceutical company:** Advising in civil and criminal proceedings in what is up to date the largest known case of illegal sales of pharmaceuticals in Germany.
- **Major airline:** Representing the client in IP-litigation.
- **Pay-TV channel:** Advising with regard to the protection against a globally operating criminal network broadcasting protected content.
- **US-client:** Advising in a patent infringement case regarding the invention of a guidance system for parking lots.
- **Companies from the fashion and luxury, printing, and forestry industries:** Ongoing advice regarding brand protection, including strategic advice of registration and enforcement, customs measures, cooperation with the police and prosecution services and litigation.
- **Companies from the printing, forestry industries:** Ongoing advice regarding brand protection, including strategic advice of registration and enforcement.
- **Japanese manufacturer of MFPS:** Advising on design registrations and the enforcement of the respective

rights.

- **German company:** Advising regarding the infringement of a patent regarding energy saving lamps.
- **Various companies from the health care and IT industry:** Advising in view of data protection incidents including criminal defence.
- **US-client:** Representing the client before the Arbitration Board of the German Patent and Trademark Office in an employee invention matter.
- **Company from the nuclear industry:** Advising regarding measures against industrial espionage and patent infringements.
- **US-client:** Representing the client in a case of alleged patent infringement and breaches of the German Act against Unfair Competition.
- **Major companies from the sports and telecommunication industry:** Advising in trademark litigation matters.
- **Major companies from the sports and telecommunication industry:** Advising in trademark litigation matters.
- **Japanese company from the printer industry:** Drafting and negotiating IT-agreements for a German business association.
- **Major clients from the luxury goods, fashion and telecommunication industry:** Advising on the registration strategies in view of trademarks and designs.
- **Major clients from the luxury goods industry:** Advising on litigations against online auction platforms.
- **Client from the sports industry:** Advising on the availability of a coat-of-arms as a trademark and symbol for a famous German football club as well as questions relating to the rights of the creator of a soccer jersey incorporating the coat-of-arms.
- **Client from the music industry:** Advising on the securitization of a large music portfolio in Germany.
- **Swiss bank:** Advising regarding data protection issues.

Recognition

Since 2013 *Chambers Europe* and *Chambers Global* have ranked Constantin in the category “Leader in their Field for IP Law”. Sources say that Constantin “combines technical strength with pragmatic advice. He is dedicated and passionate about his work and has a practical business understanding”.

Insights

Articles

- „German Court confirms that the operation of card sharing services for pay-TV is computer fraud,” *Leading Internet Case Law*, 2017
- "Neuerungen für den Schutz von Betriebs- und Geschäftsgeheimnissen in Sicht“, (Harmonization of the Protection of Trade and Business Secrets in Sight) in: *Newsletter VKE-KOSMETIKVERBAND*, Edition 1, 2016
- “Secondary liability for participating in internet file-sharing,” *E-Commerce Law Reports*, 2016
- “Westward Ho! Investigations by US-authorities and the Transfer of Personal Data to the U.S.,” *Privacy in*

Germany, 2015

- "Die ‚rechtswidrige‘ Restitution? Zum Spannungsverhältnis zwischen der Herausgabe beschlagnahmter Piraterieware und der Strafbarkeit des Besitzes von Plagiaten zu Vertriebszwecken," Mitteilung der deutschen Patentanwälte, 2013 "Darlegungs- und Beweislast für das Inverkehrbringen mit Zustimmung des Markeninhabers," Gewerblicher Rechtsschutz und Urheberrecht – Rechtsprechungs-Report 8-9/2011
- "Haftungsrisiko Internet," Verkehrs Rundschau 3/2011
- "Liability of Online Auctioneers: Auction Sites and Brand Owners Hammer It Out," INTA Bulletin, 2010 "Strafbare Kennzeichen- und Gemeinschaftsmarkenverletzung: Die Tatbestände der §§ 143, 143 a MarkenG im Lichte der Entscheidungen C-281/05 - Montex Holdings Ltd.v Diesel SpA und I ZR 246/02 - DIESEL II," Mitteilung der deutschen Patentanwälte, 2008
- "Trademarks and Toys: The European Court of Justice limits the Rights of Trademark Proprietors to prohibit the Use of their Trademark on Scale Model (C-48/05 - Opel/Autec)," TerraLex Intellectual Property Newsletter 10/2007 "Bekämpfung von Produktpiraterie in den Mitgliedstaaten der Europäischen Union: Die strafbare Kennzeichenverletzung in England," Gewerblicher Rechtsschutz und Urheberrecht International, 2006

Books

- Co-author (together with Dr Brandau), "Praxishandbuch IP-Strafrecht" („Handbook on IP-Crime“), De Gruyter Praxishandbuch, 2016
- Co-author, Produkt- und Markenpiraterie: Strafbare Verletzung gewerblicher Schutzrechte, Frankfurt School Verlag 2012
- "Regelungen für Fälle der Marken- und Produktpiraterie aus Sicht des Logistikdienstleisters," in: Logistikverträge, Heinrich Vogel Verlag, 2009

Interviews

- "Roundtable discussion: Germany looks to combat online hate speech and sets out a framework for digital platforms," Digital Business Lawyer, published May 2017
- "Schranken für Schmähkritik im Internet," Handelsblatt, published 2016
- "Was darf Werbung versprechen?," Hessischer Rundfunk, published 2016
- "Der Millionen-Betrug mit den Möbel-Plagiaten," Die Welt, published 2016
- "Bier darf nicht als 'bekömmlich' beworben werden," Frankfurter Allgemeine Zeitung, published 26 August 2015
- "Plagiate: Setzen Sie Sich zivil-, straf- und zollrechtlich zur Wehr," Creditreform Magazin, published 2015
- "Einbindung von YouTube-Videos kann teuer werden," Die Welt, published 2015
- "Urteil: Amazon verstieß gegen Buchpreisbindung," Die Welt, published 2015

Activities and Affiliations

Community Involvement and Pro Bono

- Representing a survivor of the Holocaust in a law suit against the Federal Republic of Germany regarding a claim for compensation

Presentations

- Lectureship at the German Judicial Academy
- Regular speaker at conferences of the Alliance for Gray Market and Counterfeit Abatement (AGMA)
- Lectureship at the University of Passau, faculty of law, at the chair of German, European and international criminal and criminal procedural law and criminal law relating to white collar crime (Professor Dr. Esser)
- “The Protection of Intellectual Property by Criminal Law in the Context of Globalisation – A German View“, 3rd International Forum of Contemporary Criminal Law, Bangkok, Thailand
- “Neuerungen bei der Bekämpfung von Produktpiraterie – das Gesetz zur Verbesserung der Durchsetzung von Rechten geistigen Eigentums“ (“Combating IP-Crime in Germany – the New Enforcement Act“), Mayer Brown Webinar

Memberships

- Member, German Association for Intellectual Property and Copyright Law (GRUR)
- Member, German-British-Jurist’s-Association

Prior and Present Employment

- Partner, Dentons, Frankfurt, 2015 to date
- Counsel, Dentons (formerly Salans), Frankfurt, 2011-2014
- Associate, Salans, Frankfurt, 2010-2011
- Associate, Mayer Brown LLP, 2005-2010

Areas of focus

Practices

- Corporate
- Designs
- Intellectual Property and Technology
- IP Contracts, Assignment and Licensing
- Litigation and Dispute Resolution
- Patent Litigation
- Pensions, Benefits and Executive Compensation
- Privacy and Cybersecurity
- Trade Secrets Litigation
- Trademark and Copyright Litigation
- Unfair Competition
- Intellectual Property and Technology in Germany
- Corporate in Germany

- Litigation and Dispute Resolution in Germany

Industry sectors

- Automotive
- Communications
- Digital Media
- Financial Institutions
- Gaming
- Life Sciences and Health Care
- Luxury, Fashion and Beauty
- Manufacturing
- Media, Entertainment and Sports
- Technology
- Economic Development
- Automotive in Germany

Education

- Max-Planck-Institute for Foreign and International Criminal Law, 2005, Dr. iur.
- University of Freiburg, 2003-2005, Master of Arts, Political Science and Law
- Legal clerkship, 2001-2003, Flensburg
- University of Freiburg, 1997-2000, Political Science and Law
- University of Wales, 1996-1997, Diploma in Legal studies
- University of Passau, 1994-1996, Legal studies

Admissions and qualifications

- Admitted to the bar, Germany, 2005
- Specialist Lawyer for Intellectual Property Law, Germany, 2010

Languages

- English
- German