

Overview

Dentons' Unfair Competition lawyers operate at the intersection of trade and law. We understand that marketing initiatives are crucial for your business, to establish valuable new products and services in the market. However, some trade practices are unfair and illegal. For example, the German Act against Unfair Competition (Gesetz gegen den unlauteren Wettbewerb, UWG) prohibits certain trade practices deemed to be unfair, exposing misleading and aggressive trade practices. If a trade professional presents untrue or deceptive information to consumers, the German courts may deem this conduct unfair and award damages to claimants.

The same is true for trade practices that significantly impair the average consumer's freedom of choice or conduct with regard to buying products. Certain trade practices can result in criminal offenses. These and other challenges mean that you need experts in the legal aspects of trade practices. Our Unfair Competition lawyers help to negotiate the obstacles you face. When a competitor acts unlawfully and puts your business at a disadvantage, call on us to blaze the trail back to fair competition.

We can help you with:

- Marketing initiatives and business models
- Product design and sale
- Banking and financial services
- Competitions and lotteries
- Industrial espionage
- Litigation in unfair competition laws

Representative Experience

- **Bacardi and Company Limited:** Advising on their intellectual property/trademark, design, unfair competition matters in France, Russia and CIS, and coordinating a new bottle clearance in more than 16 countries, before their worldwide launch. The global set-up of this process was very challenging from a strategic point of view; therefore, our assistance was a crucial part in the success of the new product.
- **Bioton S.A.:** Representing a leading Polish life sciences company in an international patent dispute with a foreign competitor. We were litigating and simultaneously advising on formulating the relevant communication strategy for the market. Legal measures taken by the adversary created a threat to both distribution and sale of the client's core product and were accompanied by a negative public relations campaign against it. By an immediate and top-quality reaction to the injunction granted by the court and consecutive 100% successful appeal, we have protected the company from irreparable damages in a very complex matter as it relates to patent infringement issues, misuse of rights, medical devices law and reimbursement issues.
- **Leading international advertisement agency:** Advising and assisting regularly on the legal aspects of several advertisement campaigns and direct marketing projects led for the agency's clients; in litigation proceedings against a famous international online bank to request compensation for wrongful termination of a cooperation

agreement whereby the client was entrusted with the bank's communication budget; and in litigation proceedings against a French recognised foundation which had reproduced, without prior authorization from our client, the original and characteristic features of its creative advertisements after the termination of the cooperation agreement between them.

- **Multinational soft-drink manufacturer:** Advising in France and Azerbaijan on all of their trademark, design infringements and unfair competition matters. The team is also in charge of trademark customs seizures for the client.
- **Mynet Media:** Advising in connection with the management of intellectual property rights of all news, videos, photographs, online-games, software and other content broadcasted on the web portal www.mynet.com. Our team assists Mynet on all license agreements entered into with third party suppliers, as well as trademark disputes, unfair competition, content disputes and copyright disputes in Turkey.
- **Nous Productions:** Advising regularly, one of the leading organizer of live shows, including on media and entertainment aspects of its sale to Warner Music France (July 2010); general advice and litigation assistance in connection with the organisation of live concerts (e.g. the annual "Rock en Seine" Festival near Paris) and the creation of websites (e.g. a website dedicated to online ticket sales); litigation assistance before the Commercial Court of Paris for alleged acts of unfair competition (Nous Productions is accused of having hired the band BB Brunes to produce their 2009 tour while the claimant says that the band was still contractually bound to it at the time).
- **One of the largest sportswear companies in the world:** Advising and representing on customs seizures cases and on-going advice related to trademark and fair competition infringements. This demonstrates our ability to act on behalf of global leaders and Fortune 500 companies.
- **Telecommunication and entertainment provider:** Securing a summary judgment for a leading telecommunications and entertainment provider in connection with a trademark and unfair competition litigation for one of its well-known brands.