

Information

Exhibition Protection for Utility Models, Designs and Trademarks

We have applied for exhibition protection (trade fair priority) for this trade fair. Trade fair priority can be claimed for **utility models, designs and trademarks**. The priority certificate serves as proof for exhibitors that they have presented their novelty described in the certificate at the trade fair or exhibition and that they thus enjoy the right of exhibition protection. The further significance of the trade fair priority certificate is that it enables the holder to apply for legal protection against unauthorized imitation or copying up to 6 months after the first day of exhibition by filing a utility model, design or trademark application for a novelty presented for the first time at a trade fair or an exhibition. The day the article is first displayed at the trade fair is adjudged the date of application. This provides, firstly, sufficient time to formulate the application and to make decisions with respect to the costs involved and, secondly, offers the prospective applicant the advantage of being able to wait long enough to judge on the basis of the sales orders received at the trade fair whether a utility model, design or trademark application is worthwhile.

Because of the special requirements of such a procedure we recommend consulting a patent attorney.

The trade fair priority is valid for the Federal Republic of Germany. The question of whether it is valid abroad and, if so, in which countries must be clarified from case to case.

The **trade fair priority certificates** will be issued by a patent attorney appointed by us. Exhibitors will be notified in good time where and when the patent attorney can be contacted during the trade fair. The patent attorney will visit exhibitors interested in obtaining a trade fair priority certificate at their stand to establish whether the object for which trade fair priority is being claimed is on display. Since the patent attorney can only attest as being the first day of display that day on which he satisfies himself that the object is being exhibited at the exhibitor's stand, we recommend that the exhibitor get in touch with the patent attorney on the first day the exhibitor intends to display the object. The patent attorney will provide the exhibitor with information on all questions pertaining to trade fair priority.

In order to ensure that sufficient evidence is available for a justified trade fair priority claim in the event of any subsequent priority dispute, we recommend providing the attorney with documents on the exhibited object (description, brochures, photos, diagram, etc.) made out in triplicate which will then be attached to the trade fair priority certificate. The trade fair priority certificate will be sent to the exhibitor within approximately four weeks.

Trade fair priority can no longer be claimed for patents in the Federal Republic of Germany (since 1 July 1980). We therefore recommend that exhibitors who are unable to file an application for an innovation prior to the opening of the trade fair but who still wish to display the object in question, file a patent application with the German Patent and Trademark Office or the European Patent Office in Munich on the very first day of the trade fair. In order to obtain priority protection, this application may be deposited with provisional documents. Even if the application is rejected due to formal defects it may be used to substantiate convention priority. An application filed on the first day of the fair ensures that the display on that day of the object for which the application was filed cannot be deemed an action prejudicial as to novelty either in Germany or abroad. Due to the special requirements that must be observed, we recommend that exhibitors consult their patent attorney.