

Areas of Activity

Intellectual Property – our Specialty

- Industrial Property Rights
- Trademark Law
- Design Protection
- Copyright Law
- Product piracy
- Unfair Competition Law
- Antitrust Law
- Product Liability

Reliable competence is the product of many years of extensive practice. For more than 60 years, rospatt osten pross has been concerned exclusively with the enforcement of intellectual property rights.

We concentrate on litigation and the development of litigation strategies, particularly in cross-border proceedings, and on strategies in the area of product piracy, pro-active advice, appraisal of intellectual property rights, the structuring and negotiation of license and cooperation agreements, as well as on alternative dispute resolution, such as arbitration proceedings.

We act before the following courts and agencies:

- All German District Courts
- All German Regional Courts of Appeals
- Germany's Federal Patent Court (BPatG)
- Germany's Federal Supreme Court (nullity suits)
- General Court of the European Union (GCEU)
- Court of Justice of the European Union (CJEU)
- German Patent and Trademark Office (DPMA)
- European Patent Office (EPO; Opposition Divisions, Boards of Appeal)
- Office for the Harmonization in the Internal Market (OHIM; trademarks, samples, models)
- Criminal-prosecution, customs and finance authorities (product piracy)
- Arbitral tribunals

Industrial Property Rights and Related Fields

- Patents
- Utility Models
- Supplementary Protection Certificates
- Protection of Plant Varieties

With the deciphering of the genetic code, biotechnology has given technical progress a revolutionary boost. This has also meant breaking new ground in patent-law conflicts regarding vaccines, detection and manufacturing methods, among other things. The attorneys at rospatt osten pross have been involved from the outset in the legal developments pertaining to genetic patents.

rospatt osten pross is located in Europe's two most important venues for infringement proceedings in the field of industrial property rights. Approximately half of all the patent-infringement disputes in Europe are heard in Düsseldorf. Another significant venue for patent-infringement cases has emerged in Mannheim.

Our everyday practice includes: infringement disputes; opposition, nullity and cancellation proceedings; entitlement disputes; transfers of rights; and licensing. Our activities cover all fields of science and technology. Our clients currently include companies in the fields of aircraft manufacturing, aeronautics, biotechnology, chemistry, electrical equipment, machine tools and mechanical engineering, materials, medical technology, optics, pharmaceuticals, process engineering, satellite technology, semiconductor and computer technology, and mobile telecommunications.

Our excellent long-standing contacts with the best patent and IP attorneys in other countries ensure optimum litigation strategies for cross-border cases as well. In consultation with you, we coordinate the proceedings while you retain your personal contact at rospatt osten pross.

Trademark Law

- Trademarks
- Corporate Names
- Titles of works
- Indications of Geographical Origin
- Naming Rights

In Germany, everyone knows that blue gas stations sell gasoline produced by a particular company. Even so, on the basis of a decision by Germany's Federal Patent Court, the German Patent and Trademark Office refused to allow the color BLUE to be registered as a trademark. rospatt osten pross ultimately succeeded in having that ruling overturned.

Corporate names, trademarks and internet domain names are often a company's "heart and soul" and have a high material and immaterial value. The attorneys at rospatt osten pross assist you with their creativity and experience from the development of your trademark and trademark strategy to the national and international registration of the mark, and in asserting your rights to it and defending it against attacks by third parties. This includes: searching for any interfering trademarks; handling of application, registration, objection and cancellation proceedings; managing trademarks; appearing in trade sign disputes; advising on the further development of brands and assisting clients in surveys; preparing and executing transfers of rights, drafting licensing agreements, and also co-existence and prerogative agreements.

rospatt osten pross was counsel in the first case in which the European Court of Justice laid down the current bases of the distinctiveness of community trademarks. Pioneering work has been done by us in the area of trademark protection for advertising slogans and abstract color trademarks.

Design Protection

- National and International Registered and Unregistered Designs
- Copyrights
- Protection against Imitation under Unfair-Competition Law

That a chair must stand on four legs was long considered a given fact in the western world. With the design of the first “free-swinging” chair with no hind legs, that truism became somewhat shaky. Is such a chair a work of art? rospatt osten pross persuaded the courts that it is, thereby gaining copyright protection for it until the year 2056.

rospatt osten pross represents your interests in all aspects of design protection. We serve design-oriented companies in such lines of business as clothing, jewelry, furniture, lighting, and arts and crafts. We also have clients in technical fields who frequently face special legal questions about the function-oriented design of their products.

In design-protection cases, the attorney must be able to steep himself in the industrial design of a product and understand exactly how it works. We always regard it as a challenge to be able to present even non-legal material in a straightforward way that builds a bridge, so to speak, from the design to the law and to the judges.

Copyright Law

- Copyrights
- Personality Rights
- General Personality Law
- Related Protected Rights

A computer specialist switches jobs and goes to work for a competitor. A short time later he is accused of software theft by his former employer. Are the programs or stored files involved covered by copyright protection? What are the chances of obtaining evidence and enforcing the company's rights? What is the appropriate course of action under civil law? And criminal law? A complicated subject with novel twists and turns that rospatt osten pross always approaches innovatively.

rospatt osten pross advises clients on all aspects of the protection, licensing, utilization and enforcement of copyrights and personality rights. We undertake the drafting of contracts and represent our clients in judicial and extrajudicial proceedings.

In this area we serve companies in the fields of computer software, media, music, publishing and advertising, as well as the originators of other protectable works. It is our task to come up with practical answers to new legal questions arising from ongoing technical and economic developments. In the light of modern digitization possibilities, our experience in dealing with industrial property rights is of particular value.

Product piracy

- Trade fair injunctions
- Customs seizures
- Police action
- Searches
- Investigations

It is the Toy Fair. The whole world has gathered in Nuremberg. A team from rospatt osten pro ss fans out on behalf of a luxury car manufacturer to track down cases of piracy and the unlicensed use of valuable trade marks. In order to put an immediate stop to infringements, the lawyers can avail themselves of a wide range of legal measures: under civil law, criminal law, and involving the police or customs authorities.

Reaping where one has not sown. It can invigorate competition if luxury items are made affordable for everyone. But it can also smother innovation and cause investments in a brand to be forfeited. What is admissible competition with imitations? When is a product a counterfeit? rospatt osten pro ss knows the fine dividing line between inspiration and piracy. Inspiration is fostered, piracy is combated.

Watches, clothes, mobile phones, jewellery – from a source that never runs dry but is fake all the same. The lawyers at rospatt osten pro ss have recently also had to deal with “counterfeit” laminate flooring, cars, mixer tips and engine oil. We conduct investigations, organise the customs surveillance, accompany police operations, and obtain and enforce court orders at trade fairs.

Combating product piracy involves more than one field of law: copyright, technical intellectual property rights, registered and unregistered designs, and copyright protection under unfair competition law may all apply. The aim is to expose supply chains and networks and to close openings for entry to the market. We rely on a thorough investigation of the facts, careful documentation and our many years of experience, which gives us the instinct of sleuths and enables us to get inside the minds of those at work in the industries concerned.

Unfair Competition Law

- Advertising
- Internet Platforms
- Business Methods
- Sales Events
- Competition Regulatory Law

Those entitled to buy from a wholesale company can choose from a large selection of goods offered at low prices. But some customers take advantage of this by also buying things for their own private use. To what extent are such private purchases permissible? This is an area in which rospatt osten pross has conducted groundbreaking litigation.

Unfair competition law is ultimately judge-made law. Owing to harmonization efforts within the EU, it is subject to constant changes. Thanks to our extensive practice in this area, we are familiar with the current case law and have had experience with the competent courts throughout Germany. Our clients and their advertising agencies seek our advice preferably at the planning stage of their products, packaging and advertising campaigns.

We handle every type of case of unfair competition. This includes competition-relevant regulations such as those contained in the drug law, the pharmaceutical-advertising law and the law on human and animal feed. Our clients benefit from the unique scientific and technical understanding that the attorneys at rospatt osten pross have gained from their practice of patent law. Giving advice on advertising often requires excellent knowledge of trademark law, as well. We handle unfair competition disputes especially in the fields of telecommunications, pharmaceuticals, electronics, interior fittings and luxury goods.

Antitrust Law

- Cartel Agreements
- Vertical Distributor Relationships
- Restraint-of-Trade Strategies

“We do not wish to see our products sold via the internet.” That was the haughty announcement by a manufacturer of sanitary appliances at the end of 2010, who adopted targeted measures to obstruct the professional internet retail trade by means of a “specialist trade agreement”. rospatt osten pross pursued legal measures against that manufacturer under anti-trust law and sued for compensation for the loss which its client had suffered as a result of the “specialist trade agreement”.

The core competences of rospatt osten pross include the so-called “small” cartel law – the law governing cartels and behavior patterns violating cartel-law without merger control. We offer our clients early pro-active advice so that any cartel-law stumbling blocks can be eliminated in advance.

This area includes, first and foremost, advice concerning contract law in connection with cooperative arrangements and/or the granting of licenses. Other subjects are calls for boycotts or any legal obligation to accept contracts. From our litigation practice, we have the knowledge to identify at which points difficulties might occur and which structures have worked in the past.

Product Liability

- Product-Safety Obligations
- Liability for Defective Products
- Product Recall and Media Handling
- Recourse against Suppliers

“Recommended by the following washing-machine manufacturers: ...” as an advertisement for a detergent? To what liability does a washing-machine manufacturer expose himself in entering such a cooperative arrangement with a detergent manufacturer? This is an area in which rospatt osten pross was commissioned to provide an expert opinion which formed the basis of the management’s decision.

rospatt osten pross is familiar with the task of analyzing sets of scientific and technical facts. This is the first step in a legal assessment and in providing imaginative advice as to likely consequences. We advise our clients in advance of any liability problems and suggest product safety measures.