

INTELLECTUAL PROPERTY FAST ACTION PROTOCOL

MOBILE WORLD CONGRESS 2025

COMMERCIAL COURT OF BARCELONA

EUROPEAN UNION TRADE MARK COURT OF FIRST INSTANCE OF ALICANTE

The panel of Judges of the Commercial Court of Barcelona and the panel of Judges of the European Union Trade Mark Court of First Instance of Alicante, at its joint meeting on the 2 nd December 2024,

1. STATE:

That from the **3rd to 6th March 2025** the Mobile World Congress (<http://www.mobileworldcongress.com/>) will be held in Barcelona. This is an annual congress around the field of communication and mobile telephony, and is the most important in its sector, as it is the venue for showcasing a great number of global developments and innovations in wireless and mobile communications (technology patents); new mobile applications and, in general, state-of-the-art software (intellectual property rights); new designs for mobile devices and other computer and communication media [tablets, laptops, wearables, etc. (industrial design)]; and ultimately, it is a place where leading companies in computing, electronics and telecommunications come together and compete with each other.

AND HEREBY AGREE:

That in the event of any conflict that may exist between the companies participating in this event, as holders of intellectual and industrial property rights, and which give rise to the application for preliminary injunctions, as has occurred on previous occasions, in order to avoid, to the extent possible, adopting *ex parte* interim measures; and at the same time to ensure the adoption of effective measures to protect those rights, the Commercial Court of Barcelona establishes, for the eleventh time, and the E.U. Trade Mark Court of Alicante, for seventh time, during February 2025 and the days of the event, a Protocol of guard service and fast action in accordance with the following commitments:

a) *Priority and preferential processing of **emergency preliminary injunctions** (either *ex parte* or *not*)* in relation to technological patents and industrial designs relating to products which are to be exhibited at this event, as well as acts of infringement of trademarks and

copyrights, and unfair competition and unlawful advertising acts in relation to products and materials which are on display at the MWC.

b) *Resolve and issue any ex parte preliminary injunction within **48 hours**, once the complaint has been received by the court; and the case of a hearing of an interim injunction is resolved within a 10-day period, as long as a protective letter has been filed.*

c) *Within the framework of a possible conflict in issues of industrial or intellectual property with another company and in the light of the reasonable fear of being subject to an application for an ex parte preliminary injunction, to resolve the admission of the requests for **protective letters within 24 hours** of their filing. The admission and immediate resolution of the *protective letters* is done in order to avoid, to the extent possible, the adoption of the *ex parte* preliminary injunctions, which will allow, firstly, the defendant to put forward their arguments and, secondly, their willingness to appear at the Court immediately to rule on any request for *ex parte* preliminary injunctions.*

d) *To assess the urgency referred to in article 733 of the Spanish Civil Procedure Act (LEC) in the adoption of *ex parte* preliminary injunctions, unless this would compromise the success of the interim measure, *the prior conduct of the claimant and the speed with which they have reacted to the knowledge of any infringement shall be a determining factor.* In this regard, it is important that the application for urgent preliminary injunctions be submitted sufficiently in advance in good faith so as not to reasonably prevent hearing the defendant, when the owner of the right allegedly infringed would have had prior knowledge of the possible infringement and could have submitted their application in sufficient time.*

e) *To adopt and extend the **immediate enforcement** of the preliminary injunctions and/or urgent measures filed, when they comprise acts of presentation, exhibition, promotion, offer or sale, carried out or that are going to be carried out by the exhibitors and participants on the occasion of this congress, in the **metaverse** or any other type of environments and virtual worlds or online platforms.*

f) *To adopt and extend the **immediate enforcement** of the preliminary injunctions and/or urgent measures filed, previously listed, particularly when they include acts derived from images, texts, videos, sounds, voices of people or, in general, content, predictions, recommendations or decisions generated by automated mechanisms, software, algorithms or **artificial intelligence systems**.*

g) *The Commercial Court of Barcelona will carry out the **immediate enforcement** of the preliminary injunctions and/or urgent measures that, within the scope of its specific competence, will issue the **European Union Trade Mark Court of First Instance of Alicante** in matters of trademarks of the Union European and Community designs, thus guaranteeing the rapidity and effectiveness of the decisions taken. To this end, the relevant communication and cooperation channels between the two Courts will be established.*

2. HEREBY AGREE:

i) *To communicate and report the foregoing commitments and, in particular, concerning the preventive and ongoing on-call service, during business days and the public hearing*

timetables, throughout the **3rd to 6th March 2025** on the occasion of the Mobile World Congress in Barcelona, to the Governing Chambers of the High Court of Justice of Catalonia and Valencia and its Hons. Presidents, for approval, if applicable, and for submission to the General Council of the Judiciary (CGPJ) for the same purposes.

ii) To communicate and report the results and assessment of the 10 years of application of the Protocol, which is attached to this document.

iii) To communicate and report the foregoing commitments and the results and assessment of the 10 years of application of the Protocol to the CGPJ for dissemination via the website and its Press Office, if applicable.

iv) To communicate and publish this agreement and the report on the 10 years of application of the Protocol to Bar Associations as well as to the Public Agencies, national and international, competent for these matters of intellectual property.

RESULTS AND EVALUATION REPORT

10 YEARS OF ENFORCEMENT

INTELLECTUAL PROPERTY FAST ACTION PROTOCOL

FOR *MOBILE WORLD CONGRESS*

COMMERCIAL COURT OF BARCELONA

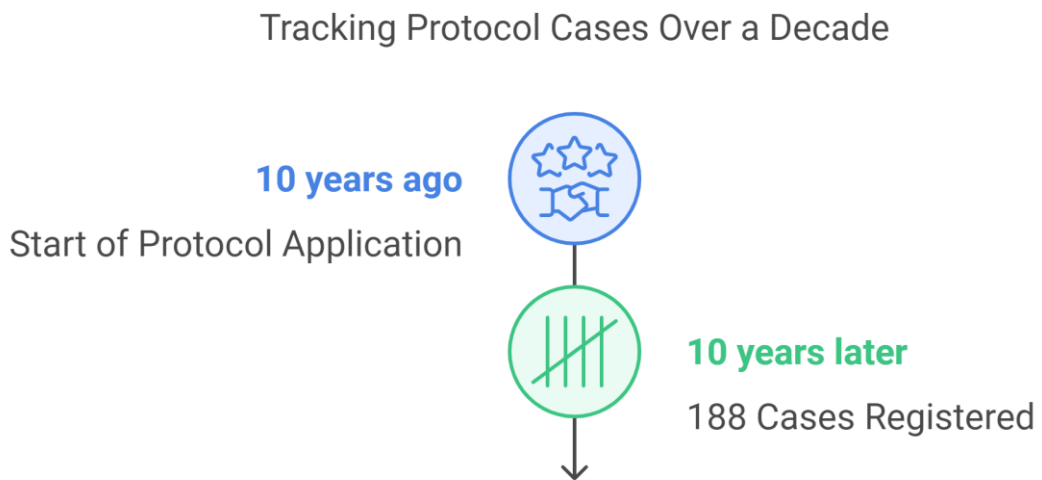
**EUROPEAN UNION TRADE MARK COURT
OF FIRST INSTANCE OF ALICANTE**

1. In 2014, the Judges of the Commercial Courts of Barcelona agreed, for the first time, the adoption of this Protocol of quick and effective measures (resolution in 24/48 hours) to protect the intellectual and industrial property rights of the participants and exhibitors at the Mobile World Congress, which is the most important world congress in the communication and mobile telephony sector, and which is held every year in the city of Barcelona.

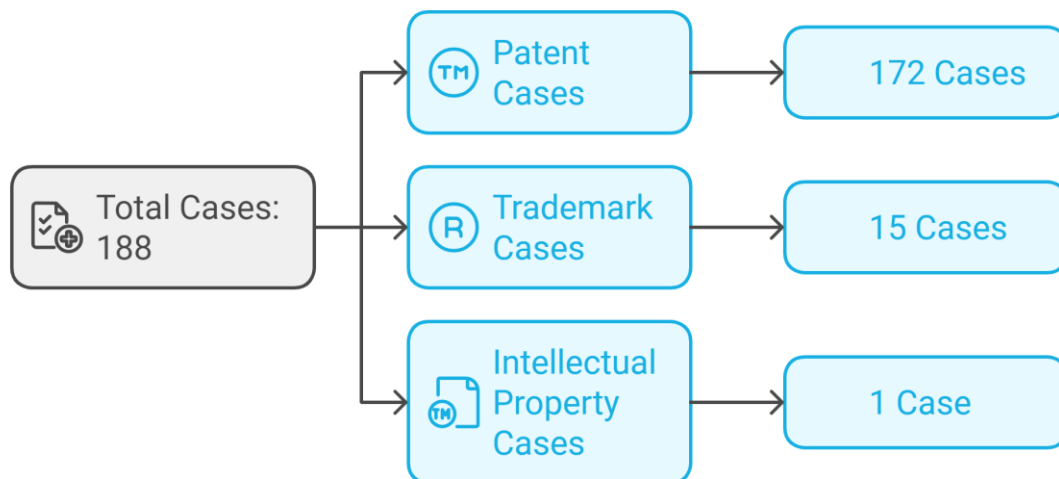
2. The Judges of the Commercial Courts of Alicante joined this initiative in 2018, for matters within their competence: European Union trademarks and Community designs.

3. After 10 years of application of this Protocol of on-call service and rapid action, we set out below the data of the results of its application.

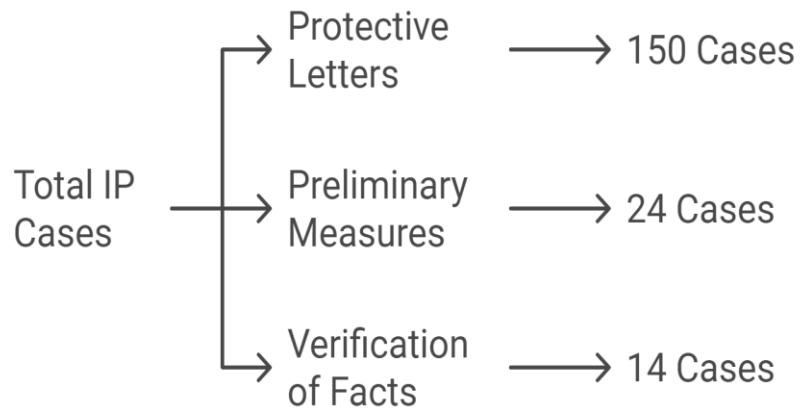
i) Overall computation of the number of incoming cases.



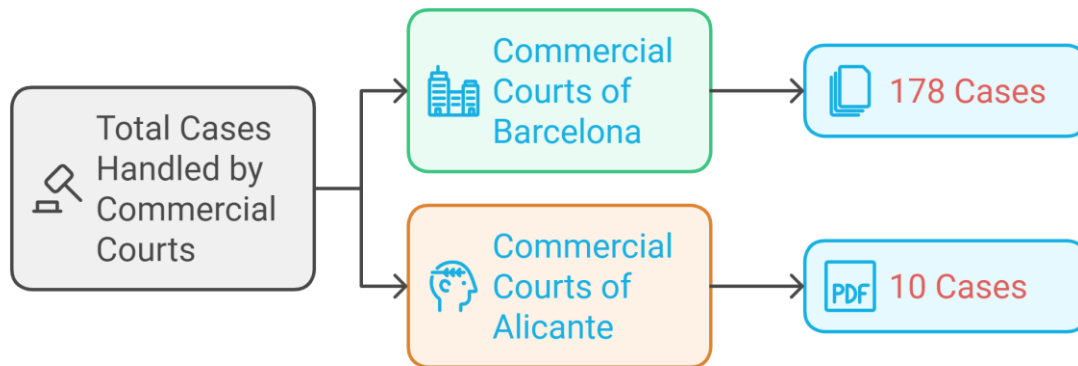
ii) Computation of matters by the type of industrial or intellectual property right involved.



iii) Computation of cases by type of procedural measures adopted.

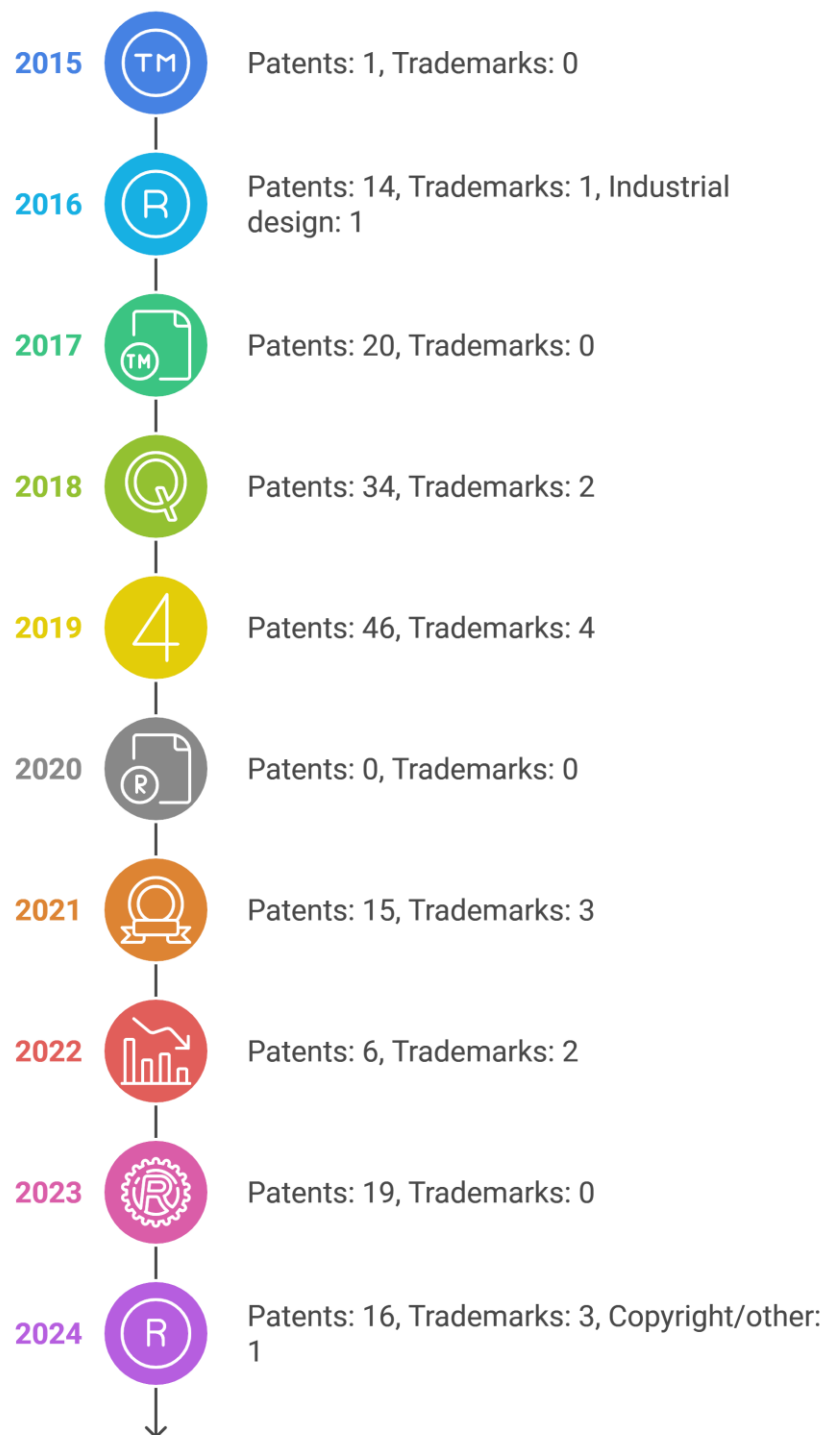


iv) Computation of cases by the Jurisdiction involved.



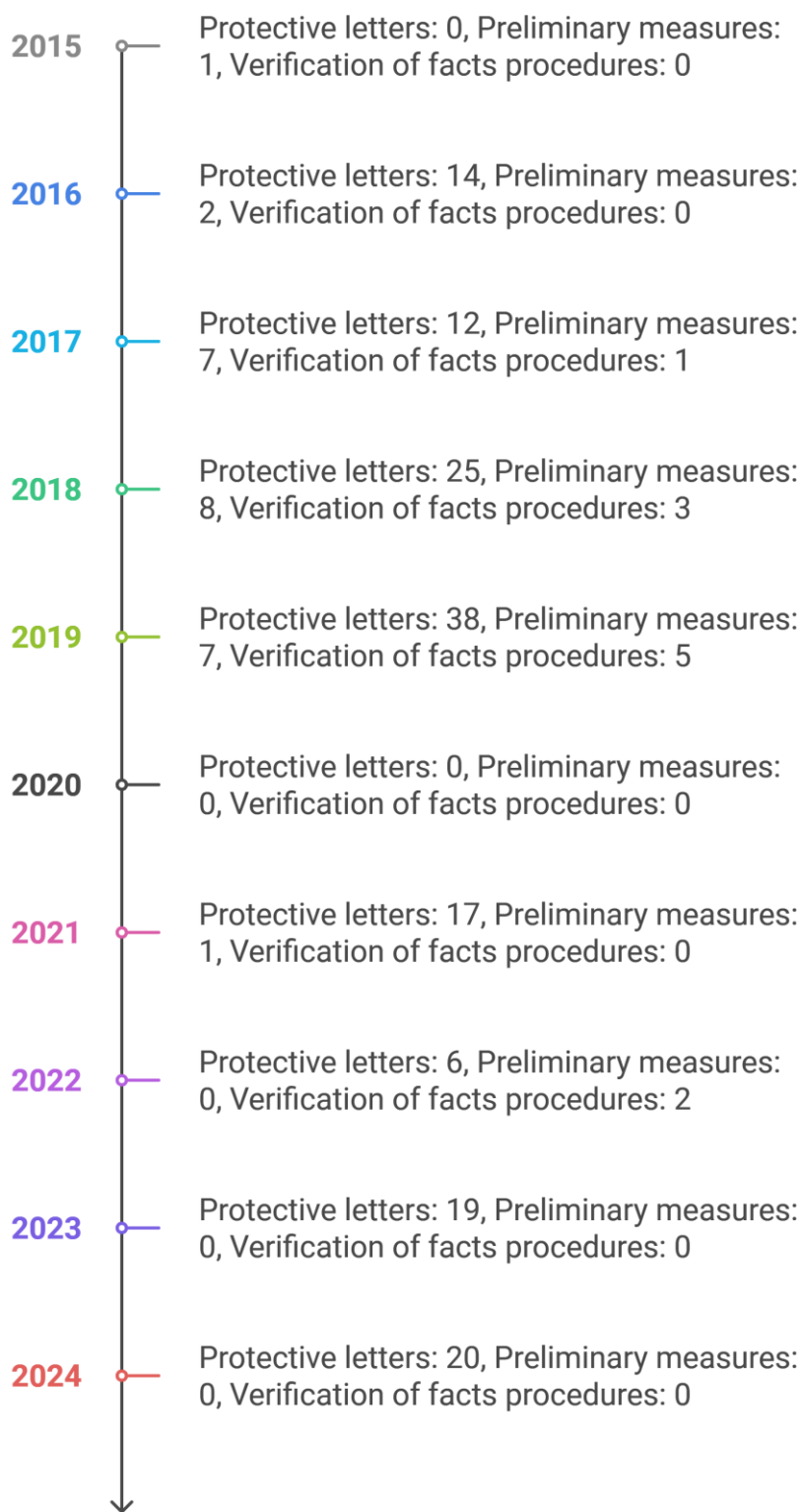
v) Evolution by years and by the type of intellectual or industrial property right involved.

Evolution of Industrial and Intellectual Property Rights (2015-2024)

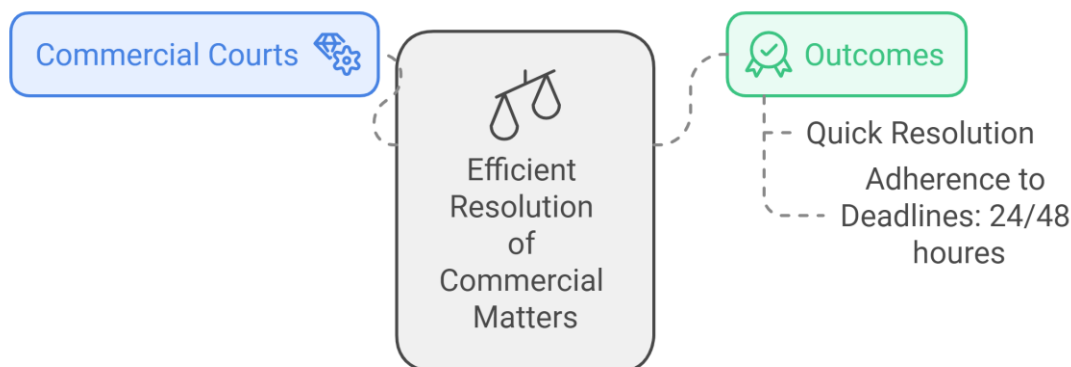


vi) Evolution by year and by type of procedural measures adopted.

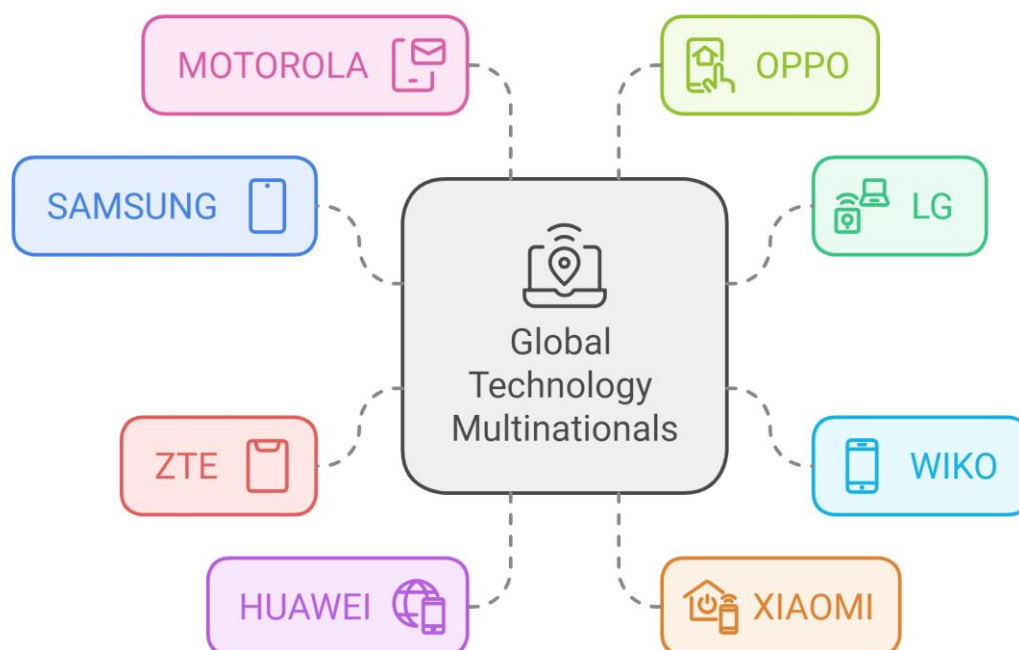
Evolution of Procedural Measures Over the Years



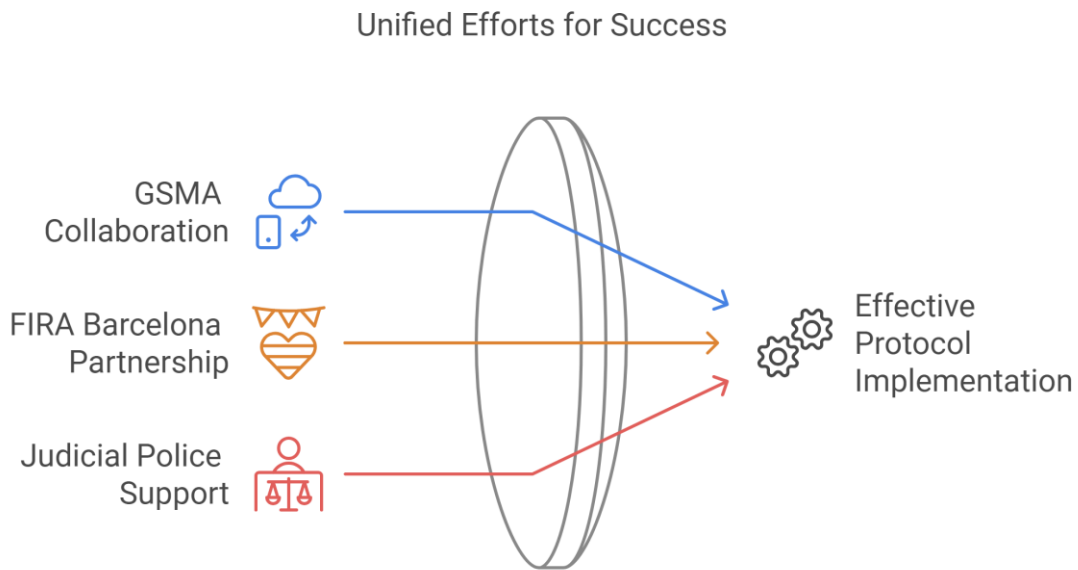
4. All these matters were resolved by the Commercial Courts, for the most part, within 24/48 hours of their entry and registration, thus respecting the deadline for resolution and rapid action of the Protocol. To this end, the commitment and personal involvement of the Judges, Legal Advisers of the Administration of Justice and officials of the judicial bodies of Barcelona and Alicante has always been essential.



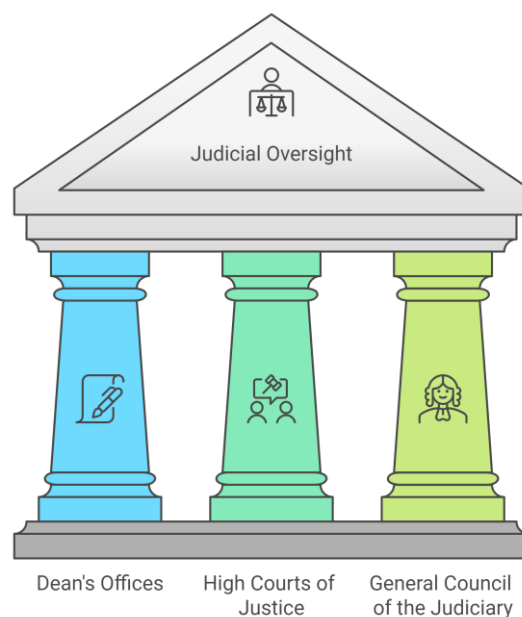
5. The applicants and affected parties in the registered legal actions include the most important global technology multinationals such as SAMSUNG, LG, WIKO, ZTE, HUAWEI, XIAOMI, MOTOROLA, OPPO, etc.



6. In the preparation, enforcement and effectiveness of this Protocol and its measures, close and coordinated collaboration with the leaders of GSMA (the global association of mobile industry representatives, organizer of the event) and FIRA Barcelona (partner hosting the event) and the judicial police of the Mossos d'Esquadra has also been essential.



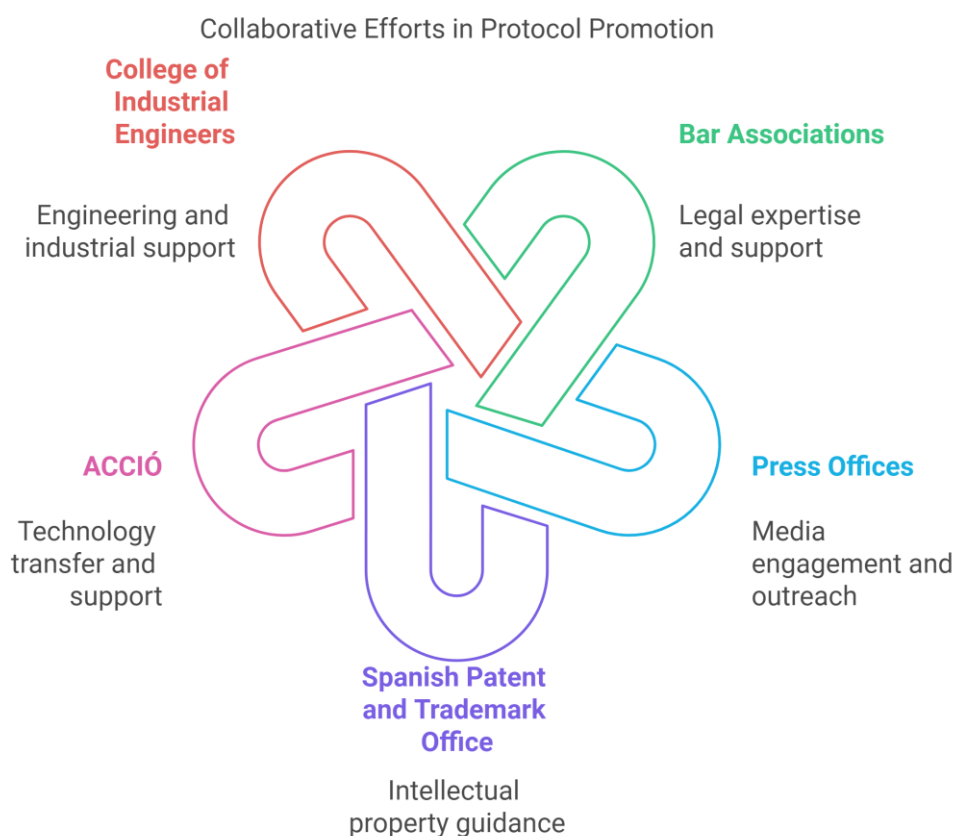
7. The Dean's Offices of the Courts of Barcelona and Alicante, the Governing Chambers of the High Courts of Justice of Catalonia and Valencia, as well as the General Council of the Judiciary (CGPJ), have always taken formal notice of this joint initiative over the years, as well as the reporting of the results of its application.



8. We would like to highlight the collaboration with the Bar Associations of Barcelona (ICAB) and Alicante (ICALI), their sections specialised in these matters, in the promotion and dissemination of the Protocol, as well as the preparation of lists of lawyers every year to be part of the on-call service during the days of the event.

In the promotion and dissemination of the Protocol we would also like to highlight the collaboration during these years, among others, with:

- Press offices of the High Courts of Justice of Catalonia and Valencia.
- Bar Association of Barcelona and Alicante.
- Spanish Patent and Trademark Office (OEPM).
- ACCIÓ: Transfer and Technology Unit - Industrial and Intellectual Property Team.
- College of Industrial Engineers of Catalonia.



In Barcelona and Alicante, on 2 December 2024.

Commercial Section of the Court of First Instance of Barcelona.

European Union Trademark Court of First Instance of Alicante.