Trade Fairs and IP Enforcement

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IP Disputes at Trade Fairs

- An opportunity to learn about the latest developments in business and technology and learn about the newest IP in an industry
  - In 2012 (globally) a total of 260 million visitors and about 124 million square meters of total net exhibition space (UFI, the Global Association of the Exhibition Industry)

- An opportunity to discover new potential infringements
- An opportunity to confront pre-existing and longtime infringers
- A demand for expeditious proceedings, swift enforcement
- Possible far-reaching consequences of enforcement actions
- Importance of information and legal assistance projects
Enforcement of IP at Trade Fairs

- Customs actions

- Criminal law enforcement

- Civil court action
  - The “standby service” of the District Court in Braunschweig, Germany (Landgericht Braunschweig) (since 1967)
  - The Fast-Track Protocol of the Commercial Courts of Barcelona (since 2015)

- Alternative dispute resolution mechanisms
  - IP dispute resolution panel at Baselworld (since 1985)
  - WIPO Fast-Track Procedure at Palexpo Trade Fairs (since 2015)
Trade Fairs in Nevada

- In 2011, the Las Vegas Convention Center was the third largest trade show venue in North America, based on indoor exhibition space

- At the end of 2016, the total space available for trade shows and conferences in Las Vegas was more than eleven million square feet

- A number of large international trade shows take place in Las Vegas
  - For example: CES, the Global Gaming Expo (G2E), the vehicle aftermarket shows SEMA and AAPEX, the concrete and masonry show World of Concrete, and the beauty and cosmetics show CosmoProf North America
Specific Jurisdiction

- Nevada’s long-arm statute: personal jurisdiction to the full extent of federal due process
- Purposeful direction or purposeful availment
- Claims arising out of or relating to the activities
- The exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable
  
  ➢ Example: An offer made by an exhibitor at a trade fair to sell a patent-infringing product in the United States

General Jurisdiction

- “Substantial” or “continuous and systematic” contacts with the forum State, such that the assertion of personal jurisdiction over the person is constitutionally fair even when the claims are unrelated to those contacts
  
  ➢ Repeated participation at trade fairs?
Jurisdiction in Trade Fair-Related IP Cases

- C5 Medical Werks, LLC v. CeramTec GmbH, 937 F.3d 1319 (10th Cir. 2019)

  - CeramTec’s “promot[ing] its brand and its unique pink color” at tradeshows in Colorado was insufficient to establish minimum contacts necessary for CeramTec to be subject to specific jurisdiction in Colorado.

  - “CeramTec’s attendance at various tradeshows in Colorado, as opposed to some other state, was by chance. … These ‘fortuitous’ contacts are not the ‘purposeful availment’ required for a finding of specific jurisdiction.”


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