

IP / IT

OUR EXPERTISE

Our IP / IT team includes lawyers that are fully knowledgeable in industrial property law (trademarks, designs, patents) and copyright and neighbouring rights, such as the right of publicity.

After years of experience advising businesses to negotiate and draw up contracts for the exploitation of their IP rights, the team is now also in a position to counsel companies looking to exploit the multiple resources offered by the new information and communication technologies (personal data files, cyber-surveillance, online sales, commercial web sites, etc.). Our lawyers are also notoriously familiar with the specific IP-related judicial procedures (design and trademark protection in particular), especially those brought about by the digital economy (proceedings on the merits and in urgent matters, protective measures, seizures, internet-based bailiff's report procedures, etc.).

The team's lawyers work in French and in English. Involved at all stages of the case, the partners remain in operational control and are responsible for strategic decision-making in close contact with clients. Our lawyers can also count on the assistance of many foreign IP / IT lawyers (in particular from the worldwide PLG network) for the exploitation and protection of clients' rights abroad.

WHAT WE DO

Industrial property:

- We draw up and negotiate all exploitation agreements relating to trademarks, patents, designs (co-existence, ownership in common, commodatum, licence, assignment, contribution, etc.) after validating the tax and labour law aspects where necessary.
- We initiate and conduct infringement proceedings relating to trademarks, patents, designs, domain and company names: customs seizures, attachment of evidence of infringement, on-site and internet-based bailiff's report procedures, petitions in urgent matters to put an immediate stop to the infringement, claims for the indemnification of lost earnings, ancillary court-ordered publication and stock-destruction measures, claims on grounds of free-riding and unfair competition.
- We validate measures for the protection of trade secrets and know-how, draw up technology and know-how transfer agreements, initiate and conduct judicial actions on grounds of the misappropriation or theft of trade secrets and know-how.

Copyright, neighbouring rights, and right of publicity:

- We conduct litigation relating to the infringement of works of the mind (paintings, sculptures, multimedia works).
- We draw up bailment and loan contracts for works of art and (mainly sports-related) sponsorship contracts (right of publicity).
- We initiate and conduct judicial proceedings for the protection of the family name and the rights of privacy and of publicity, especially against the written press and internet sites.

Information and communication technologies:

- We draw up contracts relating to website design, setting-up, and maintenance as well as hosting, indexing, and affiliation contracts, website terms of use, terms and conditions of sale, blog and forum rules, etc.
- We analyze and bring personal data processing methods into compliance with applicable laws and regulations (relations with the CNIL – the commission set up by the French Data Protection Act –, consumers, employees, etc.), we draw up database licensing agreements, we validate the transfer of databases within or without the European Union.
- We provide assistance in matters of cyber- and video-surveillance, position determination technology, exploitation of the new information technologies within the framework of individual and collective employment relations.



Computing:

- We draw up development, licensing, maintenance, outsourcing, and assignment contracts relating to software, software packages, and application services.
- We conduct litigation relating to software developing or other IT services, including judicial expert appraisals where applicable.

H I G H L I G H T S

- Judicial actions for the protection throughout Europe of designs of a German manufacturer of articles of decoration and utensils used in the art of entertaining
- Assistance with judicial actions for the protection of patents on industrial equipment
- Negotiation of a licensing agreement for a public geographical database for the French subsidiary of one of the world's leading publishers
- Several institutional and commercial website launches after validation of the online terms and conditions of sale and terms of use of personal data
- Articulation between distribution networks and online sale
- Launch of the first independent online negotiation platform for the purchase and sale of advertising space
- Infringement actions relating to sports articles on behalf of the world's leading rugby equipment manufacturer
- Counsel to companies, some employing several thousand people, for their cyber-surveillance policy and the setting-up of a code of ethics or internal use charter
- Counsel to a European company for the provision of cross-border cyber-surveillance services in public/private spaces (validation of its status and exploitation set-ups)
- Judicial unfair competition actions on behalf of a century-old French company against an Indian industrial group (imitation of marketing tools and procurement of trade secrets through undue influence)

The Team

Christophe Héry - lawyer, partner

Olivier Samyn - lawyer, partner

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Ask about our other areas of expertise: Company Law/Mergers & Acquisitions/Private Equity • Counsel to Management • Corporate/Contracts • Commercial Property • Employment • Commercial Litigation • Industrial Risk & Liability/Insurance • Distribution/Competition/Consumer Law • IP/IT • Life Sciences • Tax • Transport/Customs • Bankruptcy Law • International Arbitration • Franco-German Relations • Criminal Business Law • Sports Law