

Tracking utility model violations

Is a competitor representing products containing a technical solution that is protected for you? Is a competitor using your utility model to produce competitive products? Have you authorized a third party to produce and/or distribute goods, which were produced with the technical solution protected for you, within the scope of a licensing agreement, but the licensee is using your technical solutions beyond the scope of the agreement? As the owner of a utility model, you have the right to exclude unauthorized parties from using your technical solution and to demand appropriate compensation for the unlawful use from the violating party.

What we offer

We will check the legal situation for you if a competitor or another unauthorized third party is using your patent without a license or in a non-agreed-upon scope. In doing so, we will work closely together with specialized patent attorneys on the technical protective area of your utility model for the technical evaluation of the facts of the case. If there are patent infringements, we will document them, e.g. with corresponding test purchases, and develop a strategy for you in order to stop the violations as quickly and efficiently as possible.

Normally, enforcement is carried out initially through a warning notice in which the infringing party is required to provide a cease-and-desist declaration, information, compensatory damages, withdrawal of the legal infringements, and reimbursement of the attorney's fees.

If the recipient of the warning notice fails to give sufficient declaration to cease and desist in response to the warning notice or if said person fails to fulfill the other claims, then we will initiate the necessary steps for court proceedings. The enforcement of claims is normally done by means of a complaint. In exceptional cases, particularly for utility models that are easy to enforce for the court, this can be done on a case-by-case basis using a temporary injunction.

We can represent you before all courts in Germany. Take advantage of our many years of experience in many utility model law disputes and court proceedings.

Scope of service

- Examination and evaluation of the technical and legal situation together with a specialized patent attorney
- Consulting with respect to the legal options and the strategic procedure
- Out-of-court representation in warning notice proceedings
- Court enforcement before all district and regional courts in Germany by means of temporary injunctions or complaints
- Enforcement of cease-and-desist agreements by asserting contractual penalties or fines



Costs

We normally offer our services to you calculated according to the time spent at a suitable hourly rate or according to the Attorneys Compensation Act (RVG). We believe that cost transparency and cost reliability form the basis of successful cooperation. We will be happy to provide you with an estimate of the expected costs and the cost risk before taking the job.