

Press release of February 6, 2015

Complex litigation between watch makers: BARDEHLE PAGENBERG successful for Neuhaus Inventing Timepieces

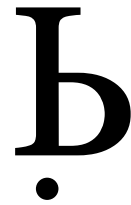
More than 2 ½ years after a complex dispute over the infringement of Community design No. 1733288-0001 started, which shows an unusual clock face divided into six instead of the usual 12 sections, the matter was recently settled. Litigation basically took place between the right holder, German niche watchmaker Neuhaus Inventing Timepieces, represented by BARDEHLE PAGENBERG, on the one hand and the established German watch manufacturer MeisterSinger and various retailers on the other.

All started in summer 2012 when MeisterSinger refused to accept that the “MeisterSinger six-hours watch” was infringing the design’s scope of protection (actually, MeisterSinger ignored both a request for right to use and a classic cease & desist demand letter). In proceedings on the merits before the Dusseldorf District Court (Case No. 14c O 262/12) the Court sided with Neuhaus and found the design-in-suit to be valid and infringed. In particular, the Court did not accept MeisterSinger’s defence that the concept of a six-hours-watch had been known for ages and the specific accused design inspired by an ancient clock from the 18th century. Rather, according to the Court, the design-in-suit kept a clear distance from the existing design corpus and enjoyed a broad scope of protection. Upon further guidance from the Court, MeisterSinger agreed to refrain from further distribution of the accused device and entered into an overall agreement with Neuhaus.

This agreement, however, did not include retailers of MeisterSinger, in particular such customers who continued distributing the accused products. Therefore, Neuhaus had to start further proceedings for design infringement (against one of these retailers) – this time before the Leipzig District Court (Case No. 5 O 3355/13). As a response, MeisterSinger sued Neuhaus, before the Dusseldorf District Court, for having started the Leipzig proceedings (Case No. 14c O 118/14). Interestingly, while the Dusseldorf Court was inclined, during its hearing, to refuse the MeisterSinger claims against Neuhaus, the Leipzig District Court suggested, also during the hearing, settling the matter a second time (also assuming the design-in-suit to be valid and infringed) – this time including possible claims against retailers of MeisterSinger.

Representative Neuhaus Inventing Timepieces:

BARDEHLE PAGENBERG (Munich):



Dr. Henning Hartwig (Attorney-at-Law, Partner)

Adrian Kleinheyer (Attorney-at-Law)

Representative MeisterSinger GmbH & Co. KG:

Spieker & Jaeger (Dortmund):

Arian Zafar (Attorney-at-Law)

Dusseldorf District Court (Chamber 14c):

Johanna Brückner-Hofmann (Presiding Judge)

Leipzig District Court (Chamber 5):

Dr. Hartmut Werner (Presiding Judge)

BARDEHLE PAGENBERG combines the professional expert know-how of attorneys-at-law and patent attorneys, European patent attorneys, European trademark attorneys, technical advisors and qualified legal counsel. Hand-selected teams of patent attorneys and attorneys-at-law provide top-quality services tailored to the specific needs of the client and the characteristics of the case.

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