

REPORT ON THE OUTCOME OF THE *PROTOCOL AND GUARD SERVICE QUICK ACTION MERCANTILE COURTS OF BARCELONA FOR MOBILE WORLD CONGRESS DAY CELEBRATED IN BARCELONA July 2 FROM FEBRUARY TO MARCH 2, 2017*

1^o.- On November 25, 2016 Board of Judges of the Commercial Courts of Barcelona, within the framework of the Protocol of the Statute of the Court of First Instance of the Barcelona Mercantile approved by agreement of 15 July 2014 by the Standing Committee of the CGPJ, agreed to adopt effective measures to protect and preserve intellectual and industrial property rights of participants and exhibitors at *Mobile World Congress* held in Barcelona on February 27 to March 2, 2017 .

2^o.- These measures included:

- A) to give priority and priority treatment to urgent precautionary measures (with or without a hearing) that have as their object intellectual and industrial property rights in respect of products and materials that were exposed or exhibited at this Congress.
- B) Commitment to resolve within a maximum of 2 days the request for precautionary measures without hearing the respondent; And resolution in 10 days in case of hearing and opposition of the defendant with notice of hearing.
- C) Admission of the figure of the *protective letters* with the purpose of avoiding, as much as possible, that precautionary measures be taken without hearing the defendant.

3^o.- Upon completion of the *Mobile World Congress* of this year, the result of the application of these measures has been the following:

- A) 12 *protective letters* have been submitted, all in the matter of patents. Among the applicants and affected parties include technology multinationals such as SAMSUNG, NOKIA, ERICSSON, WIKO, ZTE, ARCHOS, etc. All of them were processed and resolved before the start of the Congress.
- B) A fact-finding investigation has been filed with 5 different patent companies. It was processed and resolved within 24 hours, in an estimative sense
- C) Seven precautionary measures have been filed *in audita parte* versus eight different companies. All were processed and resolved in 24 hours, 4 in an estimative sense and 3 dismissing the request
- D) 1 opposition has been filed to a precautionary measure in audite parte. It was processed and resolved in 24 hours, in an estimative sense, fixing substitute security.

A total of 21 cases were admitted and resolved within the framework of the Protocol

4^o.- The notification and execution of measures of both fact - finding and precautionary measures *in audita part* Estimated Were carried out as follows:

- attesting the lawyers Administration Justices of these actions in court report issued *in situ*;
- In close Collaboration and with the presence of the managers and advisers of the GSMA - organizer of the event - and of Fira de Barcelona - in whose facilities the Congress is celebrated.
- With the assistance and support of the police force of Mossos d'Esquadra.
- With the intervention of the Judges, in the stands of the company involved, who coordinated and directed these actions

5^o.- Valuations of the result of the implementation of the commitments in relation to the measures adopted and executed and the companies affected.

A) The commitment to resolve within two days of the precautionary measures, in practice has been made in half the time, since both the fact-finding procedures and the precautionary measures in audite part and the opposition presented were Processed and resolved within 24 hours.

B) Although not provided for in the commitments set forth in the Protocol, the notification and enforcement actions were carried out under the coordination of the Magistrates, with their intervention in person and those of the Lawyers of the Administration of Justice and those responsible for the GSMA and Of FIRA, attended by Mossos d'Esquadra. The purpose has been to ensure rapid, discreet and less conflicting execution of measures, so as not to disturb the development of Congress.

C) Statistically, the number of companies and / or exhibitors involved or affected by the precautionary measures and by the *protective letters* has been approximately 1.25% of the participants in the Congress (25 companies).

6^o.- This year 2017 is the third year of implementation of the Protocol, reflecting a consolidation and clear commitment in its use. In Relate with the results of 2016:

- A) This year 2017 is practically keeps the number of *protective letters* submitted and accepted, were 12 versus 14 last year.

B) If there is a significant increase in the precautionary measures in part presented, were 7 compared to 2 last year. In addition, 4 in an estimative sense compared to the 2 of last year that were discouraged.

7º.- Our forecast is that in the next year 2018 will be maintained and will increase the number of cases presented, both of *protective letters* and precautionary measures *in audita parte*, noting the need to introduce improvements in some aspects related to notification and enforcement of the precautionary measures *in audita parte*; Guarantee immediate access to a lawyer and procurator of the companies affected by measures and their procedural intervention, with full guarantees of defense and prompt judicial response.

In Barcelona, on March 3, 2017

Marta Cervera Martínez
Magistrate of the Commercial Court nº 8 of Barcelona
Delegate of the Dean for Commercial Jurisdiction