



Messe
Düsseldorf

Important Information at a Glance

Product Safety Markings and Intellectual Property Rights



I. Product Safety Markings

Important information for exhibitors

General product safety:

“In order to protect the safety and health of users and third parties, in the Federal Republic of Germany there is a legal obligation to circulate and exhibit only those products, which in the event of correct specified or foreseeable incorrect use, do not pose a danger to the user or third party.”

Relevant Product safety markings:

In the European Union manufacturers are legally bound to designate specific products with any relevant product safety markings (e.g. the CE symbol). This regulation applies to both the circulation as well as **exhibition** of products.

The products to which this applies are stipulated in the relevant European Directives. These Directives are available on the websites of the EU.

A large number of products are subject to special norms and standards which describe the requirements placed on product safety in detail. If these technical provisions are taken into account during the design and manufacturing stages, the supervisory authorities assume compliance with the safety targets set by the European Directives. By affixing the CE symbol the manufacturer confirms compliance with the European product safety requirements.

Special feature at trade fairs with respect to – specifically – the CE symbol:

It is permitted to exhibit products which do not (yet) comply with the above-described safety requirements, and which, correspondingly, do not (yet) carry the CE symbol. It is therefore **absolutely essential** that such a product be affixed with a **visible reference symbol** clearly pointing out that the product does not correspond to the requirements and can only be purchased when such compliance has been fulfilled. As far as the product presentation is concerned, we recommend the following text:

“This device, in the version exhibited here, does not comply with applicable legal requirements in the European Union and cannot be purchased in the European Economic Area until it complies accordingly.”

During demonstration, the necessary precautions must be taken to protect the health and safety of persons.

The supervisory authorities (trade fair commission) are authorized to enter the trade fair stand at all times, monitor compliance with these regulations and to obtain information. In the event of any infringement of these regulations the authorities are authorized to prohibit exhibition of the product.

If you have any questions please contact the
Bezirksregierung Düsseldorf, Dezernat 55.2,
Technischer Arbeitsschutz/Produktsicherheit, Außenstelle Essen
Ruhrallee 55-57, 45138 Essen, Germany
Tel.: +49 211 475-5501, Fax: +49 211 475-9025
Mail: poststelle@brd.nrw.de
(Information available in German Language only)

Please see Item No. 5.6.2.2 of the Technical Directive



II. Protection of Intellectual Property

(e.g. Brands, Registered Patterns, Design Patents)

We explicitly inform you of the possibility of other exhibitors holding property rights in the Federal Republic of Germany or in the European Union and remind you that these rights must be respected without reservation. Violation of these rights shall not be permitted and can have serious consequences. There is no special exhibition protection.

In so far as you own such intellectual property rights you are recommended to bring the documents and certificates of proof (originals or notified copies of the patent, trade mark, registered patterns or design patent certificate/s) to the event. (Should you have obtained an enforceable title against your competitor, you are requested to also bring this.) This is the only means of ensuring legal protection of intellectual property fast and comprehensively.

Furthermore, it is also possible that goods are seized by customs officials in the run-up to the event. Measures of this kind can also be undertaken on the premises of Messe Düsseldorf – and, hence, not only at national borders. For further information please refer to www.ipr.zoll.de. Please consult your legal counsel for additional advice.

Should you become aware that one of your competitors wishes to take legal measures against you during the event, although you are of the opinion that you are the lawful holder of the rights, the depositing of a protection document with the court can be advised. Your solicitor can provide assistance in this respect.

It goes without saying that all exhibitors are obliged to comply with the stipulations of the law. However, should you become aware of a competitor violating your rights during the event, you should consult a lawyer. Lawyers can then file an injunction or prohibition order (the violation of which can result in prosecution) in your favour. (Please remember to bring the aforementioned documents to the event.) Messe Düsseldorf is unfortunately not authorised to undertake any measures against your competitor by itself in the event of such contraventions. It is only vested with such authority subject to a relevant court ruling against the competitor.

Further information you will find:

The Deutsches Patent- und Markenamt
(German Patent Office),
Zweibrückenstraße 12, D-80331 München,
Tel. +49 89 2195-1000,
Fax: +49 89 2195-2221,
Internet: www.dpma.de

and
EUIPO, Amt der Europäischen Union für geistiges Eigentum
Internet: www.euipo.europa.eu

We hope that this brief information has been helpful for you and urge you to take note of the recommendations above in the interest of all exhibitors and of the smooth operation of the event.

Messe Düsseldorf GmbH
VG-R, Legal and Organisational Department