

A turning point in the Inditex vs. Buongiorno case?

Author: [Silvia Oliver](#)



Limitation on the referential use of a third party's trademark

The Court of Justice of the European Union (CJEU) has just answered the question referred for a preliminary ruling by the Spanish Supreme Court in the context of infringement proceedings concerning the trademark ZARA, which have been pending before the Spanish courts for more than 10 years. In fact, the process started so many years ago that the provision invoked as a defence has undergone [significant] changes after having been reworded in Directive 2015/2436. Perhaps, it is this change of the precept that will tip the balance in favour of Inditex, who, until now, had lost in every instance.

A bit of context

In 2010, the online and mobile subscription company Buongiorno MyAlert launched an advertising campaign in which, for contracting one of their services, they raffled €1 000 in cash. However, they immediately after stated "I would like to win it like this: €1,000 ZARA gift card". This promotion was advertised in banners on websites and social media, reproducing the ZARA brand both in its word version and in the representation of a "gift card".

Inditex filed a lawsuit before the Commercial Court of Madrid for infringement of its famous trademark. However, neither the Commercial Court nor the Provincial Court of Madrid accepted the plaintiff's claims, considering that the limitation of article 6(1)(c) of Directive 2008/95 transposed to Spanish law in article 37(1)(c) of the Trademark Act (TA) - legal framework which applies here for temporary reasons- came into play.

[Read more](#)

Mobile World Congress Barcelona 2024 and On-call and fast-action court protocol

Author: [Emil Edissonov](#)



In Mobile World Congress (MWC) is the world's largest and most influential congress for the mobile and connectivity industry. It brings together the latest innovations and leading-edge technology alongside the world's most influential leaders and thinkers (<https://www.mwcbarcelona.com/>). This year's edition will be held again at the Fira Gran Via in Barcelona from February 26 through February 29, 2024.

This year's main theme is "Future First". The key topics will be "5G and Beyond" (an in-depth look at 5G and its impact), "Connecting Everything" (including the Internet of Things, and cloud computing), "Humanising AI" (artificial intelligence – its growth, impact and potential), "Manufacturing DX" (digital engineering and manufacturing – welcome Industry 4.0!), "Game Changers" (the new technologies that will disrupt the future), and "Our Digital DNA" (digital inclusion, diversity and sustainable technology).

MWC Barcelona 2024 is expected to host over 100,000 attendees from over 200 countries and territories, over 2,400 exhibitors/companies, and 1,100 expert keynote speakers, including some of the leading names from across the connectivity space. Among the entities attending, one can see industry leaders like Accenture, Acer, Airbus, Amazon, AMD, Asus, AT&T, Caixa Bank, Cellnex, China Mobile, Cisco, D-Link, Dell, Deutsche Telekom, Ericsson, European Space Agency, Fujitsu, Google, GSMA, Hewlett Packard, Honor, HTC, Huawei, Intel, IBM, Kaspersky, Lenovo, LG, Logitech, Meta Platforms, Microsoft, Netflix, Nokia, Nvidia, Orange, OPPO, Optiva, Qualcomm, Samsung, Sandbox, Siemens, Sony, T-Mobile, TATA, Telefónica, Telenor, TikTok, TP-Link, University of Barcelona, Verizon, Vodafone, Xiaomi, YouTube, and ZTE, among others.

To tackle potential conflicts between participants during the event, in particular, infringements of intellectual property (IP) rights (e.g. software, patents, trademarks, designs), yet another year, the Commercial Courts of Barcelona and Alicante have set up an On-call and fast action protocol for MWC Barcelona 2024. It will be in force from February 1 through February 29, 2024.

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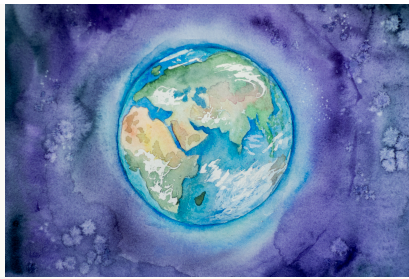


Non-agricultural geographic indications: update

The new Regulation (EU) 2023/2411 on the protection of geographical indications for craft and industrial products was published last October and will apply from 1 December 2025. [Read more](#)

Upcoming events

In 2024 members of our firm will be all over the world participating in different



events.

The next ones we will be attending are:

- - , - (Madrid, Spain)
- **7 - 8 MAR, 2024** - MARQUES (Amsterdam, Netherlands)
- - , - 2024 (Valencia, Spain)

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