

## IP & TMT

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Our IP & TMT practice group provides results-oriented, effective and feasible solutions for all aspects of intellectual property (IP), unfair competition and data protection law, as well as IT, telecommunications and media and technology (TMT) law.

Pestalozzi was one of the first full-service law firms in Switzerland to build a strong IP practice. Protecting the intellectual assets and enforcing the IP rights of our clients is part of our DNA.

Intellectual assets are vital in enabling our clients' business success. Our passionate and pragmatic specialists strive to provide the best legal strategies to protect, preserve, commercialise and enforce our clients' IP rights in Switzerland and to navigate the complex legal and commercial implications of modern technologies.

### Our expertise

Our innovation-driven practice is constantly evolving, and we have a vast and growing body of comprehensive experience and knowledge in the following fields:

- Litigation and arbitration concerning soft IP (trademarks, copyrights, designs and related rights such as company names, domain names, trade dresses), including unfair competition disputes
- Protection of soft IP, including portfolio management and prosecution for trademarks and designs both nationally and internationally
- Advice on protection of know-how, trade secrets and manufacturing secrets
- Licensing and commercialisation of IP assets, software and know-how
- Research and development agreements, patent pools, technology joint ventures and all types of technology transfer agreements, including advice on related issues
- (Selective) distribution agreements and franchising systems
- Advertising law and disputes
- Media and entertainment law
- Domain names and company name disputes and advice
- Data protection and privacy issues and disputes
- Computer, Internet and information technology (IT) together with digital data, cloud services, blockchains and NFTs

## **Our services**

We advise and support our clients in all legal questions related to IP assets, unfair competition, data protection, IT and modern technologies and represent them in legal proceedings both at civil and administrative courts in Switzerland as well as in front of national and international arbitration tribunals. In addition, we provide support in M&A transactions and related transactional projects. We want to team up with our clients from the birth of an idea to its protection, commercialisation and enforcement. Our services include:

### **Intellectual property**

- Advice on protection and defence strategies concerning intellectual property rights (patents, copyrights, trademarks, designs), know-how, trade secrets and domain names (with the exclusion of patent application)
- Advice and representation in the luxury goods and life science industries in anti-counterfeiting and litigation proceedings, including cooperation with customs authorities
- Transfer and licensing of IP rights, know-how, data and databases
- Setup and implementation of franchising and distribution systems
- Advice on sponsorship and testimonial agreements
- Cooperation arrangements for research and development (R&D)
- Advice and support (including due diligence) on IP aspects of Swiss and cross-border M&A transactions
- Representation in disputes concerning technologies and licensing of regulated products such as pharmaceuticals, medical devices, chemical substances, diagnostic procedures, foodstuffs, cosmetic products and data
- Advice and support in proceedings before Swiss registration authorities (in particular the Federal Institute of Intellectual Property, IPI) and regulatory authorities (in particular the Swiss Agency for Therapeutic Products Swissmedic, Federal Office of Public Health, OFCOM, Swiss Commission for Fair Trading)
- Advice and support in transactions and representation in disputes concerning media, marketing and advertising rights
- Arbitrator mandates in IP-related arbitration proceedings
- Advice and representation in cases of product recalls and product liability
- Preparation of expert opinions in the field of IP and unfair competition law
- Tax-related structuring of intragroup solutions for IP portfolios

### **IT, cybersecurity and data protection**

- Representation before all state civil and criminal courts and before arbitration tribunals in disputes concerning IT matters, in particular rights to software, technologies and their licensing
- Advice on Internet use, cyber security, use of shared services, global ICT platforms and cloud services
- Advice on and development of e-commerce solutions, blockchain networks and NFTs
- Advice in all areas of data protection, in particular the development of data protection concepts and strategies for companies and the execution of data protection training

- Representation in data protection proceedings, in particular before the Federal Data Protection and Information Commissioner and in civil law disputes and investigations in data leakage and discovery proceedings
- Advice and support in the processing of personal data and Big Data in the health sector
- Advice and representation in cases of violation of personal rights, especially in social media
- Assistance in outsourcing and IT projects as well as legal support with regard to integration, infrastructure and migration projects

## Industry sectors

Our sector focus mainly includes:

- Medical technology
- Mechanical engineering
- Food and beverages
- Cosmetics industry
- Automotive industry
- Consumer and luxury goods
- Trade and distribution
- Financial and insurance services and Fintech
- Media
- IT, telecommunications

## Team

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