**Intellectual Property - France**

Intellectual Property is of course a major legal area and an incredibly important part of protecting a company's identity and to some extent, success. The case involving eBay against L’Oreal and other brand owners, in which the European Court of Justice delivered a verdict in the brand owners’ favour, regarding liability for counterfeit goods sold on eBay was considered a considerable step forward in the fight against the sale of counterfeit goods online. To find out about the issues surrounding IP in France, *Lawyer Monthly* speaks to two experienced IP experts from the Parisian branch of European law firm, HOYNG MONEGIER - Sophie Micallef and Marie Georges-Picot.

Sophie is the Managing Partner of the Paris office, and is specialised in intellectual property focusing on litigation and pre-litigation phases, including interventions with the French Customs. Sophie represents clients, as claimant as well as defendant, in disputes concerning patents, trademarks, designs and geographical indications, as well as unfair and misleading advertising and unfair competition. She has extensive experience in employees’ inventions matters and her practice is also recognised in copyright and counseling work. Sophie advises and represents international groups, as well as small and medium sized companies in the fields of clothing, cosmetics, perfumes, hotels, mechanics, water treatment, food industry and press.

Marie is specialised in litigating and advising on all aspects of intellectual property rights, including trademarks, patents, design rights, copyright and unfair competition, false, misleading or comparative advertising. She often acts for well-known French and foreign companies in the cosmetics, clothing, hygiene, agro-alimentary and videogames sectors. HOYNG MONEGIER is the first European Boutique law firm to be solely dedicated to IP. It was established in January 2011 and is comprised of four offices throughout Europe, namely Amsterdam, Brussels, Madrid and Paris, with 19 partners.

The Parisian office was established by former members of the IP team at Linklaters, who, five years after they left, reunited part of the team. It was upon the initiative of Denis Monégier du Sorbier, joined by Sophie Micallef and Marie Georges-Picot, that the firm in Paris was born.

**What are the main issues you deal with regarding IP in your jurisdiction?**

The main issues regarding IP in France include the constant fight against infringement, the draft bill concerning employees’ inventions, the indemnification of rights owners and the assessment of the consequences of the enforcement of the EC Directive 2004/48 in France.

**What are the main types of litigation to arise from IP-related issues in your experience?**

Nowadays, apart from cases related to infringement through the Internet, the main types of litigation to arise from IP-related issues seem to be actions for the revocation of patents. We note an increasing number of disputes between laboratories developing princes against generics.

**What is your opinion of the recent case regarding the European Court of Justice’s ruling against eBay in its fight against L’Oreal and other brand owners over liability for counterfeit goods sold on its website? What effects do you think this ruling will have on IP law in the future?**

On the one hand the decision of the European Court of Justice is in line with the Google decision since it confirms that online marketplace operators do not use the contested denomination as a trademark and that hence, there is no trademark infringement, but on the other hand, this decision forces the internet service providers to keep a neutral role. Moreover, with specifying which kind of interlocutory injunctions can be taken against the online marketplace operators, the court is consistent with the goal of many jurisdictions, which is to focus on fighting against infringement. Such a decision will have the effect, on a local level, of expanding the panel of preventive measures to fight against infringement.

**Do you often deal in cases of infringement?**

Yes, we deal with infringement cases on a daily basis. It represents more than 80 per cent of the litigation cases we deal with.

**What have been the key areas of arbitration in the IP sector within your jurisdiction?**

One key area of arbitration is enforcement of transnational license agreements.

**What issues should foreigners be aware of in terms of IP when looking to invest/start a business in your country?**

Foreigners should pay specific attention to copyright law which is extremely favourable to authors in France.

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No, not at all, in fact it is quite the contrary. We believe that it creates emulation and variety. It avoids everyone having the same business model and it encourages creativity.