



DOMINIK WEISS

Partner

Hamburg

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BIOGRAPHY

Dominik Weiss advises both national and international clients in all intellectual property (IP) matters. He has broad litigation experience in the fields of unfair competition and trademark law and design protection. He assists clients with the registration of national and international trademarks and represents them in the various proceedings before the European Intellectual Property Office (EUIPO) and the German Patent and Trademark Office (GPTO). Another focus of his practice lies in advising companies with regard to transaction-related IP matters.

In addition, Dominik advises on IT and technology related issues, including e-commerce, data privacy and artificial intelligence. He helps numerous clients address the legal issues surrounding major IT projects, the structuring of online shops and other Internet pages, and the licensing and distribution of software and other IT products. Furthermore, he advises on all aspects of data

privacy law, including direct marketing, market and opinion research, data transfer within companies and third-party states.

Dominik also has significant experience in advising and representing international clients during complex commercial disputes before courts and arbitration proceedings, often in a cross border context.

AREAS OF FOCUS

- Digital Transformation & Emerging Technology
- Software, Cloud Subscription & Systems Integration

CIVIC INVOLVEMENT & HONORS

- WTR 1000: The World's Leading Trademark Professionals, 2021-2024
- Best Lawyers in Germany, Intellectual Property, 2024

PROFESSIONAL AFFILIATIONS

- Hamburg Bar Association
- German Association for the Protection of Intellectual Property Rights (GRUR)
- International Trademark Association (INTA)
- International Trademark Association, Trademark Office Practices Committee, European National Offices Subcommittee, 2022-2025
- International Trademark Association, Copyright Committee, Logos Subcommittee, 2020-2021
- International Trademark Association, Copyright Committee, Database and Publication Subcommittee, 2018-2019
- Association littéraire et artistique internationale (ALAI), German national group

SPOKEN LANGUAGES

- German

- English
- Spanish

ADMISSIONS

- Germany
- England & Wales (Registered Foreign Lawyer)

EDUCATION

University of Constance, First State Exam, 2001

Higher Regional Court Hamburg, Second State Exam, 2006

Frankfurt, Specialized Attorney for Intellectual Property, 2015

RELATED PRACTICE AREAS

- Intellectual Property and Technology Disputes
- Software, Cloud Subscription & Systems Integration
- Digital Transformation & Emerging Technology
- Business & Commercial Disputes
- Technology Transactions
- Trademark Prosecution, Counseling and Protection Services
- Copyrights
- California Consumer Privacy Act
- Trademark Litigation
- BCLP Data Breach Hotline
- Food & Agribusiness
- Data Center & Digital Infrastructure Team
- Data Privacy & Security
- Corporate
- Investigations
- Litigation & Dispute Resolution
- Healthcare & Life Sciences
- Regulation, Compliance & Advisory

EXPERIENCE

- Counseling and representation of a leading design furniture manufacturer in numerous copyright infringement matters.
- Counseling and representation of a leading global watch manufacturer in the area of IP law, particularly in connection with domains, trademarks, company signs, unfair competition and copyrights.
- Advising a leading European bank in various copyright, software and company name matters.
- Representation of a US automotive supplier in a complex ICC arbitration for injunctive relief and damages after immediate termination of a patent and know-how license agreement.
- Advising various clients on the legal requirements for Internet presences and online shops (e.g. all mandatory legal details, pre- and post-contractual information requirements, terms and conditions of sale and delivery, terms of use, data privacy statements, design of the ordering process) and advice on various data privacy issues both in the online and offline market (e.g. online competitions, newsletters, use of online forms, data processing in non-EU countries, involvement of processors of personal data etc.).
- Advising on antitrust law regarding distribution systems, *inter alia* in the online sector (contractual exclusion of the distribution via trading platforms of third parties and the use of price comparison platforms).
- Advising pharmaceutical companies and medical product manufacturers, *inter alia* on pharmaceutical advertising law, issues of product classification as well as drafting and examination of contracts of all types.
- Advice to various companies in the area of food law on the legal requirements under the EU Food Information Regulation and the EU Health Claims Regulation.

RESOURCES

PUBLICATIONS

- District Court Braunschweig: No additional remuneration for drawings of the original VW Beetle, GRUR-Prax 2019, 357
- EGC: The mere existence of contract negotiations does not suffice for an agent-principal relationship, GRUR-Prax 2019, 157
- Higher Regional Court Frankfurt: Internet platform ban for selectively distributed luxury goods is in principle permissible, GRUR-Prax 2018, 456

- Higher Regional Court Hamburg: eBay sales ban within a selective distribution system for high-quality food supplements is permissible, GRUR-Prax 2018, 272
- German Federal Court of Justice: The prohibition of collecting benefits from acts of unfair competition does not cover lawful successor products – Bone Cement I, GRUR-Prax 2018, 155
- German Federal Court of Justice: Obligation to give information when advertising an unfairly acquired market leadership – Bone Cement II, GRUR-Prax 2018, 156
- Higher Regional Court Munich, Misleading advertising for a homeopathic medicine against headaches, GRUR-Prax 2017, 449
- Higher Regional Court Düsseldorf: Unsurpassed efficacy is generally no superiority claim, GRUR-Prax, 2017, 266
- District Court Cologne: No use as a trademark by using a bone pattern of a shoe sole, GRUR-Prax, 2017, 163
- ECJ: Findings of the EGC regarding different usage generally not verifiable, GRUR-Prax 2016, 470
- Higher Regional Court Frankfurt: Capacity as manufacturer when modifying products of third parties, GRUR-Prax 2016, 247
- German Federal Court of Justice: Language of authorized health claims may be modified, GRUR-Prax 2016, 135
- Higher Regional Court Munich: Travel gear specialty store may demand delivery in grooved suitcases, GRUR-Prax 2015, 517
- German Federal Patent Court: Substantiation of the enhanced distinctive character of an opposing trademark due to use, GRUR-Prax 2015, 405
- Higher Regional Court Schleswig: Sale of varifocal glasses on the Internet, GRUR-Prax 2014, 560
- German Federal Patent Court: Mixed word and figurative trademark my Stadtwerk is distinctive, GRUR-Prax 2014, 500
- German Federal Court of Justice: Permissible call of a consumer protection office to terminate accounts, GRUR-Prax 2014, 422
- EGC: Bad faith registration of a known historical trademark, GRUR-Prax 2014, 277

- Higher Regional Court Frankfurt: Redistribution of software – restrictions in general terms and conditions, GRUR-Prax 2014, 258

SPEAKING ENGAGEMENTS

- "The cooperation with payment service providers to combat product piracy", APM (Action Group against Product and Trademark Piracy), Workshop on Intellectual Property, Berlin, June 14th, 2016

RELATED INSIGHTS

Awards

Feb 24, 2025

BCLP Partners Recognized in the 2025 WTR 1000: World's Leading Trademark Professionals

Insights

Feb 06, 2025

Information Commissioner's open letter to the UK Prime Minister - Key Takeaways

On 16 January 2025, in an open statement and letter, the UK Information Commissioner, John Edwards, responded to the December 2024 letter from the UK Prime Minister, the Chancellor, and the Business Secretary. He set out the ICO25 strategic plan and highlighted a few interesting points. The plan confirms that responsible innovation and sustainable economic growth are core strategic objectives for the data protection regulator. Additionally, the importance of data protection and information rights are noted as essential building blocks for the ICO's strategic plans, as they ensure public trust and consumer confidence alongside offering businesses security and certainty upon which to build for the future.

Insights

Jan 14, 2025

EMEA- Data Privacy, Digital and AI Round Up 2024/2025

As expected in the data privacy and digital space, 2024 shaped up to be a year full of guidance, consultations, regulatory focus areas and legislative updates. Artificial Intelligence (AI) remained a hot topic with advertising technology (AdTech) closely following its heels. With the blizzard of global data protection developments continuing unabated in 2024 with no doubt more to come in 2025, it is a good moment to look back at what 2024 held for businesses as well as to consider what 2025 may hold in the EMEA region.

News

Sep 12, 2024

BCLP advises Ventiga Capital Partners on strategic partnership with Omnevo Group

News

Aug 29, 2024

BCLP advises Wourth Group Limited on the acquisition of Peter Hahn GmbH

News

May 31, 2024

BCLP moves to new office in Hamburg

News

Apr 01, 2024

BCLP Recognized as a Leading Trademark Group by World Trademark Review

News

Jun 16, 2023

Handelsblatt and Best Lawyers recognize 16 BCLP lawyers in the 2024 listing of "Best Lawyers in Germany"

News

Jan 27, 2023

BCLP advises McWin on acquisition of majority stake in L'Osteria