



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 law, e-commerce and data privacy. 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*

PROFESSIONAL AFFILIATIONS

- German Association for the Protection of Intellectual Property Rights (GRUR)
- International Trademark Association (INTA)
- 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
- Software, Cloud Subscription & Systems Integration
- Digital Transformation & Emerging Technology
- Business & Commercial Disputes
- Technology Transactions
- Trademarks: Counseling, Prosecution & Practical Business Services
- Copyrights
- California Consumer Privacy Act
- Trademarks: 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

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

Insights

Dec 16, 2022

One Step Closer to the new EU-US Data Privacy Framework

News

Jun 24, 2022

15 BCLP lawyers recognized in "Best Lawyers in Germany"

News

Feb 08, 2022

BCLP advises KDV Group on acquiring HAK

Insights

Feb 01, 2022

UK-Outbound Data Flows: Standard Contracts Published and Enter Final Approval Phase

Insights

Jan 28, 2022

Happy Data Privacy Day from the BCLP Global Privacy & Security Team

News

Dec 24, 2021

BCLP advises McWin on acquisition of Burger King Deutschland GmbH