

# BLESIN, DEJEHET & DE RIEMAECKER

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Waterloo, 10/14/2005

Sir,

V. Ref. :  
N. Ref. : 12488/1 - U.F.I.

I am the counsel of U.F.I. (Global Association of the Exhibition Industry),  
h.o. rue Jouffroy d'Abbans, 35, 75017 Paris, France.

My client is an international non-profit making association that represents  
the interests of the entire exhibition industry, worldwide. Our members,  
present in 73 countries, are organising all together 4500 fairs in about 90  
countries.

The corporate purpose of U.F.I. expressly allows the representation and  
defence of its members in order to solve any legal or economic problems.

Your company has many times been referred to by fairs and exhibitions  
organisers who complained about unfair practices that you have developed,  
i.e. by abusively and illegally using their corporate names. You were  
requested to stop that, but your practices never came to an end.

The various files I have examined clearly show that your practices consist in  
canvassing the exhibitors so they are listed in your *Fair Guide* directory by  
explicitly using names of trade fairs and exhibitions and corporate names of  
the organisers without their assent whatsoever.

Your intention is to unduly benefit from the distinctive character or  
established reputation of fairs and organisers that your company mentions  
without any prior agreement whatsoever.

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In addition to that, many exhibitors complained about your methods that are fully contrary to honest trade practices in a way that your company tarnishes the image of my client's members and is then prejudicial to the professional interests of these members.

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I must draw your attention to the clauses of the Paris Convention for the Protection of Industrial Property of March 20, 1883, revised in Stockholm on July 14, 1967.

As far as you are concerned, this international convention has been approved by Austria on May 11, 1973, and came into effect on August 18, 1973.

More generally, this convention concerns more than 160 States that form the "Union for the Industrial Property".

- Article 1, paragraph 2: "*The protection of industrial property has as its objects patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.*" [We have added the underscoring].
- Article 2, paragraph 1: "*Nationals of any country of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to nationals, all without prejudice to the rights specially provided for by this Convention.*"
- Article 8: "*A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trademark.*" [We have added the underscoring].

The industrial property right duly recognised in the Convention, enforceable France and Austrian Laws, gives the holder of the trade name the exclusive right to opposed any use of this name by third parties when this use causes loss or damage, even non-pecuniary.

In addition, in accordance with Article 2, paragraph 1, the industrial protection also extends to other forms of protection laws of the countries of the Union provide for.

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The using of trade names and trademarks, without the holders consent, in order to create confusion in the mind of your "customers" and give your company undue legitimacy in its business dealings while undermining the image of holders through your questionable business practices towards your customers, is certainly contrary to honest commercial practices as well as an illicit use of the trade name of others.

The fact that your forms mention in small print next to the name of the exhibition: "*The exhibition herein below mentioned may be a trade name of the organiser or other firm. This name is used solely for explanatory purposes and in the interest of the owner of this trade name, without any intention to damage its reputation or infringe its copyright*" does not alter what has been exposed above.

Indeed it is not up to your company to decide unilaterally what the interests are or what hurts the reputation of a trademark or name owner.

Much more, such a note shows the unease of your company in using trademarks, names or trade names of third party companies illicitly and without prior authorisation.

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I therefore invite you and give you formal notification to stop immediately the use of trade names or trademarks of fairs and exhibitions as well as those of the organisers.

I inform you that the full list, regularly updated, of members of U.F.I. can be found on [www.ufi.org](http://www.ufi.org).

If you do not react to this, my client may act to redress the prejudice suffered by their members.

This correspondence is brought to all the members of my client.

Waiting for a reply, I remain,

Yours faithfully,

Olivier DE RIEMAECKER

