

Prepared for the 2026 Mobile World Congress?

In preparation for the Mobile World Congress, the Commercial Section of the Barcelona Courts and the EU Trademark (First Instance) Court in Alicante have once again approved a rapid action protocol to quickly address any potential risks related to intellectual property rights (patents, trademarks, designs and copyright) as well as trade secrets and unfair competition issues that may arise during the mobile technology and communications congress.

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- **The courts are ready**

Three months ahead of the Mobile World Congress 2026 (“MWC 2026”) in Barcelona, the judges of the Commercial Section of the Barcelona Courts and the EU Trademark (First Instance) Court of Spain based in Alicante are at the ready after jointly approving a new Protocol for

duty service and rapid action for this edition of the congress that will be effective throughout February 2026 and during the event (2–5 March 2026).

The Protocol provides for priority handling of applications for pre-trial examination (*diligencias preliminares*) and fact-finding orders (*diligencias de comprobación de*

hechos), as well as applications for interim measures —with or without a hearing— in matters relating to patents and technological innovations, industrial designs, trademarks and copyright, as well as antitrust, unfair competition and unlawful advertising, when linked to products or presentation, display, promotion, offering or sale activities connected to MWC 2026. The preservation of the confidentiality of information that may constitute trade secrets (Act 1/2019 and Directive (EU) 2016/943) is also strengthened in accordance with the specific protocol of the Barcelona Commercial Courts.

In general, during February and the days of the event, the Courts undertake to:

- a) Resolve applications for pre-trial examination and/or fact-finding orders within 48 hours.
- b) Resolve applications for interim measures:
 - If *ex parte* interim measures, within 48 hours of filing.
 - If *inter partes* interim measures (i.e. with a hearing), within a maximum of 10 days provided the defendant has pre-emptively filed a protective letter.
- c) Decide on the admission of protective letters within 24 hours.
- d) Immediately enforce interim measures and orders when the facts relate to physical stands, online platforms or virtual environments (including the metaverse), as well as when they arise

from content or decisions generated by automated mechanisms, software, algorithms or AI. Likewise, the Barcelona Commercial Courts will immediately enforce interim measures and orders issued by the EU Trademark Court of Spain with respect to EU trademarks and designs, with strengthened cooperation channels between both courts.

- **Participating companies should start preparing too**

With the courts already geared up for MWC 2026, it is important that participating companies are also ready —whether they are rights holders whose IP may be infringed during the congress, or potential defendants whose participation could be disrupted:

- a) IP rights holders should act swiftly and in good faith. The courts will assess the urgency of any interim measures applied for and review the prior conduct of the rights holder to ensure the application was filed early enough to avoid creating artificial urgency or preventing, where possible, the other party from being heard.
- b) Anyone concerned about *ex parte* interim measures during the congress should consider filing a protective letter in good time, so the court can review their arguments before granting any interim measures against them. Moreover, by filing a protective letter, the future defendant will already have legal representation, enabling immediate appearance before the

Court and reducing the risk of *ex parte* interim measures. Filing a protective letter ahead of the MWC is often particularly beneficial, for instance, in the context of an ongoing negotiation of a complex FRAND licence agreement.

Gómez-Acebo & Pombo's IP team has extensive experience advising companies participating in the Mobile World Congress on the best strategy to protect their interests —whether to safeguard their rights through interim measures or to avoid surprises during the event.