

Philipp Ess



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Languages: German, English

Philipp Ess, Counsel, is a specialist solicitor in all areas of intellectual property law ("Fachanwalt für gewerblichen Rechtsschutz"). He specializes in litigation and advice particularly in the fields of patent law, license agreements and unfair competition with a focus on technologies. He has participated in several matters regarding prevention and prosecution of trade secrets misappropriation and gained a special experience in this field. In addition, IT law forms another focus of his legal practice.

Specialties

- Advice, drafting of contracts and litigation in patent law, in particular in infringement and invalidity matters as well as inspection claims;
- Advice, drafting of contracts and litigation regarding prevention and prosecution of trade secret misappropriation;
- Advice and litigation in unfair competition law;
- Advice, drafting of contracts and litigation in connection with computer software, misappropriation of source code, competition law related performance protection of graphical interfaces, assistance in the enforcement of source code inspection claims;
- Advice in due diligences of IP/IT-related M&A transactions, assessment of risks, transfer of rights.

Selected Matters/Projects

- Advice and litigation in patent infringement and invalidity proceedings regarding patents for particulate traps and airbag and restraint systems on behalf of automotive component suppliers, LED technology, security devices,

- pharmaceutical products and medical devices;
- Advice and litigation of entities of the Heraeus-group for the protection of trade secrets and know-how;
- Participation in litigation in connection with the dispute of two prominent Web 2.0 Social-Network-Services;
- Advice on liability, risks, transfer of rights and assessment of IP assets in the course of the due diligence within the scope of the sale of a German fashion label;
- Advice to international companies in unfair competition, contractual and data protection matters.

Publications

- „Aktuelle patentrechtliche Rechtsprechung zu Medizinprodukten“ 2018/2019 – together with Nora Keßler, MPR 4/2019, p. 109;
- „Aktuelle patentrechtliche Rechtsprechung zu Medizinprodukten“ 2016/2017 – together with Nora Keßler, MPR 5/2017, p. 145;
- „Aktuelle patentrechtliche Rechtsprechung zu Medizinprodukten“ 2015/2016 – together with Nora Keßler, MPR 2016, p. 115;
- “Apple’s ‘slide-to-unlock’ patent invalidated in Germany”, International Law Office, Intellectual Property – Germany, September 12, 2015;
- “Preliminary injunctions in patent battles – play your cards right”, International Law Office, Intellectual Property – Germany, March 04, 2013;
- “Patent circumvention: repair versus reconstruction”, International Law Office, Intellectual Property – Germany, December 17, 2012;
- “Court rules on compensation for employee inventions”, International Law Office, Intellectual Property – Germany, March 05, 2012;
- “Hartplatzhelden (Hard Court Heroes) and competition law”, together with Dr. Thomas C. Körber, WRP, issue 6/2011, p. 697 et seq.;
- “Occasional use of a trademark does not constitute genuine use”, International Law Office, Intellectual Property – Germany, May 31, 2011;
- “Federal Supreme Court: image-guided catheter navigation patentable”, International Law Office, Intellectual Property – Germany, January 31, 2011;
- “Bundesgerichtshof clarifies software patentability prerequisites: first step towards legal certainty in Europe?”, Journal of Intellectual Property Law & Practice 2010 5: 827-829;
- “Supreme Court clarifies rules on software patentability”, International Law Office, Intellectual Property – Germany, August 09, 2010;
- “Suspension of compulsory execution as relief from patent injunctions”, International Law Office, Intellectual Property – Germany, June 21, 2010.

Career, Education

- Certified intellectual property law expert (2015);
- Associate at Klinkert (2010);
- Associate at Heymann & Partner (August 2008 – 2009);
- Admitted to practice law in Germany in 2008;
- Legal clerkship with delegations, inter alia, to the chamber of commerce of Koblenz and to a law firm specialized in German and Spanish law in Barcelona, Spain (Second State Exam, 2008);
- Legal studies at Johannes Gutenberg University, Mainz (2001 – 2006), (First State Exam 2006).