

November 18, 2019

Counterfeiters and Patent Infringers at the IDS 2019

Sulzer Mixpac continues to enforce its rights



Sulzer Mixpac Ltd. (Sulzer) operates globally in the field of static mixing tips, cartridges and dispensing devices for the dental sector. In recent times, substantially identical copies of the static mixing tips for two-component cartridges and syringes have increasingly been discovered. These copies by other manufacturers are not subject to Sulzer's strict quality controls and are therefore not covered by its warranty. In the interests of its clients, Sulzer will continue to take legal steps against all such copies.

With its ruling back in 2010, the Cologne District Court decided many years ago that the mixing tips forming the basis of our complaint represent unfair copies of the mixing tips of Sulzer Mixpac Ltd. and result in an avoidable deception with respect to the commercial origin (Court ref.: 33 O 306/09). This decision was also then confirmed in the second instance by the Cologne Higher Regional Court with its 2011 ruling (Court ref.: 6 U 189/10).

Sulzer has continued to successfully enforce these rights over the years in many dozens of court actions against, or out-of-court settlements with, slavish imitators of its mixing tips as well as to successfully enforce its patent, trademark or other IP rights against certain infringing colored mixing tips in many countries, such as Germany, Japan, Brazil, the US and the United Kingdom.

Despite these measures, in the years 2018/2019 further unfair slavish copies of the mixing tips were discovered and action was taken, for example, in Germany, as well as by take downs of infringing ads on on-line marketplaces, such as eBay, AliExpress, Made-in-China and Alibaba based on Sulzer's trademark rights. In 2019 alone, 424 listings have been enforced on-line to-date already against 233 sellers.

At the IDS 2019 a total of six preliminary injunctions due to unfair competition were obtained from the Cologne District Court against various providers of slavish copies of Sulzer's mixing tips during the IDS 2019 by which inter alia the offering, advertising and marketing of these copied mixing tips for the dental sector were prohibited. Five infringers, Huanghua Promisee and Shandong Huge, both of China, Dentstore SRL of Romania, President Dental of Germany, Major Prodotti Dentari of Italy, have now accepted the preliminary injunctions as a final binding decision, and a main action is pending against the sixth infringer Medicaline (Internacional Ventur) of Spain. In addition, all goods were seized at the stands of three

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earlier infringers who had provided slavish copies of Sulzer's mixing tips during the IDS 2017 and against whom cost orders at IDS 2019 were served, namely Onur Diş Deposu of Turkey, and Sino-Dentex and Shanghai Zogear, both of China. Preliminary injunctions had been obtained against these three infringers during IDS 2017 and default judgements were then obtained by Sulzer when they failed to respond to the subsequent main actions against them.

In addition, a worldwide settlement was achieved with a Chinese company comprising cease and desist undertakings regarding slavish imitations of Sulzer's static mixers, and dynamic mixers infringing Sulzer's European patent, EP1943012. A preliminary injunction from the Dusseldorf District Court had been served at the IDS 2017, confirming infringement of this patent. This preliminary injunction was now accepted as a final binding decision.

Sulzer is committed to protecting its products. Genuine Mixpac tips can be identified by the MIXPAC™ name stamped on the retaining ring and the CANDY COLOR Quality Seal.



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About Sulzer Mixpac

With more than 1740 employees, Sulzer Mixpac Ltd. is a world leading manufacturer and supplier of cartridge-based metering, mixing and dispensing systems and disposable mixers for reactive multi-component materials. As part of the Sulzer group, Sulzer Mixpac Ltd. can draw on a strong international network. The head office is located in Switzerland. For optimal service to its customers, subsidiaries are located in the U.S., UK and China.

MIXPAC™ - is a registered trademark of Sulzer Mixpac Ltd., Switzerland.

T-MIXER™ - is a registered trademark of Sulzer Mixpac Ltd., Switzerland.

CANDY COLORS™ – is a registered trademark of Sulzer Mixpac Ltd., Switzerland

About Sulzer

Sulzer's core strengths are flow control and applicators. We specialize in pumping solutions and services for rotating equipment, as well as separation, mixing and application technology. Our customers benefit from a network of over 180 production and service sites in about 50 countries around the world. Sulzer has been headquartered in Winterthur, Switzerland, since 1834. In 2018, we achieved sales of about CHF 3.4 billion with around 15'500 employees. Our shares are traded on the SIX Swiss Exchange (SIX: SUN). www.sulzer.com

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