
DANISH COURT DECLINES EXTRATERRITORIAL JURISDICTION OUTSIDE THE EU IN TRADEMARK MATTER

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In an order of 14 August 2019 the Maritime and Commercial Court rejected a number of requests for preliminary injunctions concerning activities in Australia, New Zealand, Mainland China and Taiwan for lack of extraterritorial jurisdiction.

Plaintiff, a Danish-domiciled company, had sued another Danish-domiciled company for alleged trademark infringement in the EU, Australia, New Zealand, Mainland China and Taiwan solely based on national trademark registrations.

The Plaintiff argued that the Danish Maritime and Commercial High Court was a proper venue for the dispute, referring to the fact that the Defendant was domiciled in Denmark and to the Court's general competence in trademark disputes.

Nevertheless, the Court rejected the requests for extraterritorial preliminary injunctions outside EU territory. The Court stated that, regardless of the issue of proper venue, the Plaintiff had not substantiated that the Court had extraterritorial competence to adjudicate preliminary injunction requests pertaining to foreign territories outside the EU, based on national trademark registrations covering only those foreign territories. In the Court's opinion, it was unlikely that the foreign jurisdictions would acknowledge the Court's decision, and therefore the Plaintiff did not have an actual interest in obtaining the injunction sought.

The order may be appealed.

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