



Press Announcement

IPS Structural Adhesives announces conclusion of trademark infringement lawsuit against Mayer and Mayer HandelsgmbH

SCIGRIP, Durham, USA, November 23rd 2016: IPS Structural Adhesives has successfully concluded its lawsuit against Mayer & Mayer HandelsgmbH, an Austrian company selling adhesive products, following a mostly favourable judgment in the Austrian courts. The Commercial Court in Vienna found an infringement of IPS' EUTM 9 698 762 SCIGRIP and granted its application for injunction, accounting, disclosing the distribution channels of the infringing goods and publication of judgment. Only the application for destruction of the remaining infringing products was dismissed, because there was no proof that Mayer & Mayer still possessed such goods at the end of the first instance proceedings.

The lawsuit was initiated in March 2014 after IPS became aware that Mayer & Mayer, a former customer of IPS, was engaged in ongoing sales of SCIGRIP adhesives in Europe. However, there were customer complaints about these SCIGRIP adhesives sold by Mayer & Mayer. Due to the cooperation of one of these customers with IPS, it was possible to file the lawsuit against Mayer & Mayer. In its judgment the Commercial Court in Vienna came to the conclusion that Mayer & Mayer either used a wrong, a counterfeit or an expired original adhesive component for its deliveries to this customer under the SCIGRIP brand. Thus, the Commercial Court in Vienna ruled mostly in favour of IPS on 14 July 2015. Mayer & Mayer's subsequent appeals against the judgment to the Higher Regional Court of Vienna (Oberlandesgericht Wien) and to the Supreme Court (Oberster Gerichtshof) were not successful so that the Commercial Court's judgment became final in June 2016.

As the next step, IPS will seek financial compensation from Mayer & Mayer for the infringement of its SCIGRIP trademark.

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“We are extremely pleased with this court judgment. SCIGRIP is understandably proud of its brand and formulations and will always protect them, and our customers, in cases like this”. comments John Reeves, President, SCIGRIP.

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