



**horak.**  
ATTORNEYS AT LAW

# Law Firm

**Law Firm for Intellectual Property, Media, Competition and Technology**

Certified and qualified lawyers specialized in protection of industrial property law, copyright and media law.



## Hanover

Georgstraße 48  
30159 Hannover  
Germany

Tel. +49.511.35 73 56 -0  
Fax +49.511.35 73 56 -29

E-Mail [info@bwlh.de](mailto:info@bwlh.de)  
[www.english.bwlh.de](http://www.english.bwlh.de)



## Munich

Landshuter Allee 8-10  
80637 München  
Germany

Tel. +49.89.2 50 07 90 -50  
Fax +49.89.2 50 07 90 -59

E-Mail [munich@bwlh.de](mailto:munich@bwlh.de)  
[www.english.bwlh.de](http://www.english.bwlh.de)



## Vienna

Trauttmansdorffgasse 8  
1130 Wien  
Austria

Tel. +43.1.8 76 15 17  
Fax +49.511.35 73 56 -29



E-Mail [wien@bwlh.de](mailto:wien@bwlh.de)  
[www.english.bwlh.de](http://www.english.bwlh.de)



## Fields of Law

We manage to work in the fields of protection of industrial property law, copyright and media law, competition and anti-trust law, health and technology law. This includes also:

- 
- Antitrust Law
  - Copyright Law
  - Data Protection Law
  - Design Rights
  - Domain Law
  - Domain-Name-Dispute-Law
  - EDP Law
  - Event Law
  - Film and Television Rights
  - Fair Trade Law
  - Internet Law
  - Image Rights
  - IT-Rights
  - Law relating to Food Processing and Distribution
  - Law relating to the Inventions of Employees
  - Legislation on Seeds
  - Online Rights
  - Patent Law
  - Patent Legislation
  - Media Rights
  - Medical Law
  - Music Rights
  - Pharmacy Law
  - Photo Rights
  - Press Law
  - Procurement Law
  - Publishing Law
  - Plant Variety Rights
  - Registered Design Law
  - Sport Rights
  - Technology Law
  - Telecommunication Law
  - Trademark Law



**S**hould you be interested in a consultation or a representation of others legal areas, do not hesitate to contact us.



## Our Law Firm

HORAK Attorneys at Law is neither a lawyers' factory, nor an improvised law firm. We are here to achieve great results and a lasting connection with you, based on the quality, trust, and reliability of our services. We are focused on intellectual property, competition, media and technology. In these areas, we are able to solve and handle every sort of legal issues. Of course, we advise SMEs, concern, economic institutions and public-law corporations of various sizes as well as private individuals in the field of national and international, commercial and private law.

And we can offer even more! Our lawyers are highly specialized, work academically and are experts in their field of studies. You may already know us, because you have already hired us in the past. You may eventually already know one of our attorneys, from publications, lectures, seminars or from other kind of public appearances.

Should you hear from us for the first time, we are offering you the opportunity to meet a reliable attorney, who will succeed in your own interest. Or you could be interested in one of our focus-area, that is still missing in your network of consultancy.


Our spacious business premises meet the requirements of a modern company: they offer a pleasant atmosphere for trustworthy client's consultancy. We obviously have an excellent team and modern technical organizations, working to keep our standards high.

### Cooperation

National and International activities are nowadays part of our everyday life, and we advise many international clients. HORAK Attorneys at Law is able to offer high level consultations also in the field of cross-border transactions. We praise to have specialized cooperation networks in the commercial sector, and legal protection with other law firms all over the world, especially in the USA, South America, Asia (including China and Japan) and Australia.

### Right of representation

Our lawyers are authorized to represent in every court (all administrative courts, district courts and higher regional courts, as well as all federal courts, with the exception of the BGH in civil matters). We accompany our clients in all German, European, and international offices and courts of industrial property rights, copyright and media rights, such as the DPMA (German Patent and Trademark Office), the EPO (European Patent Office), the OHIM (Office for Harmonization in the internal Market), the WIPO (Office for the Intellectual Property), the EGMR (European Court for Human Rights), the EuG (European Court of First Instance) or the EuGH (European Court of Justice), and numerous other international and international authorities and court of arbitration.



**T**he constant care of our technical and technical equipment has a great importance to us.

## Publications

HORAK Attorneys at Law were involved in the following works:

- x Co-author in "European Environmental Law" with the title "Environmental Protection and Competition" 1998/2003 (2nd edition) (in EUDUR, Prof. Rengeling, ed.)
- x "The medium-sized company" 1999
- x "Comparative Advertising" 1999
- x "Legal Liability aspects of the Y2K" 1999
- x "Internet appearance - opportunity or risk" 2000
- x "Nomen est Omen - Everyone (his) trademark" 2000
- x "Abolition of the discount law and the exemption regulation - Chance or risk" 2001
- x "Trademark licensing agreements" in: Manfred Bruhn, instruction of brand management, 2. Edition 2004, published by Gabler Verlag
- x "The placement of invisible keywords to advertise services as a trademark infringement on the example of keywords in Google AdWords", MarkenR, magazine for German, European and international trademark law, 2007
- x "Are the authorized land courts competent for attorney fees 'claims for counseling or representation in accordance with section 140 para. 1 Trademark law?'," reports from the German patent attorneys, 10/2007, 449ff.

## Fees

You can ask us about the consulting costs before the commissioning. We will obviously provide you reliable information in the less time possible. If there are no exceptions to be taken in consideration, we shall charge our fees according to the statutory model. According to these compulsory statutory guidelines, fees will be calculated analyzing each specific individual case in a fee-related matter. As far as concerned the civil law, the lawyer's fees are calculated according to the object-value. This is based on the forecasted amount of work and on the other hand, on the risk of liability. In cases of extrajudicial consultancies, we can arrange independent fees on hourly basis or a flat-rate fee on request, in order to increase the transparency of the occurring costs for our clients.

We frequently have the chance to work with permanent clients; for this special purposes, we offer alternative payment methods, such as monthly or annual rates. A first concrete consultation can be arranged, for instance, on a flat-rate basis of 232 Euro. For individual issues, we also offer an initial by phone-consultation from 89 Euro. In the area of intellectual property, we offer particular fees for a wide variety of activities such as trademark applications, patent applications or research services.



## Lawyers and Patent Attorneys

Our attorneys are practicing the job of their dreams. Perfect advices and personal support are the key words of the high level service we offer in our Law Firm. We complement each other and we all have the same goal: your success. In order to realize your projects and ideas, are you looking for reliable Partners? All you have to do is delineating your problems to us and we will provide you an expert reference person. Your attorney will be there for you and will be accompanying your case, step by step, all the way to your success: your goal is our goal.

**W**e complement each other and we all have the same goal: your success.

### Facilities

Our spacious business premises meet the requirements of a modern company: they offer a pleasant atmosphere for trustworthy client's consultancy. We obviously have an excellent team and modern technical organizations, working to keep our standards high. Our office is centrally located, just in front of the Opera of Hanover, easy to reach either from the Main Station, that is nearby situated, or from the local Court. We have free access to national and international databases that are extremely important for our legal practice; we also disposed of a vast library system that definitely exceeds the usual standards.

### Profile

Our outline is shaped by our attorneys. We are experts in providing a good service. Our professional competence, solid education, continuous development, and our experience are build the fundamentals of our work. Individual distinctive features of our lawyers are specialization, branch-specific knowledges as well as creativity. An untimely legal advice allows you to secure your activities; by dispute we can also arrange alternative solutions (using the media, for example).



## Graduate Engineer

### Michael Horak, LL.M.

**Attorney · Consulting Engineer**  
**Certified specialist Attorney in the field**  
**of industrial property rights**  
**Certified Specialist Attorney in the field**  
**of copyright and media law**

Born in 1967; studied law and electrical engineering in Stuttgart, Erlangen and Hanover; 1994 graduated in electrical engineering (main focus on computer science and message processing, seminar paper regarding “analysis and modeling of integrated circuits for image processing“; work of thesis entitled „construction techniques for integrated systems“); from 1995 to 1998 associate at the patent law office; 1996 first state legal examination; 1997/1998 associate at international law offices as Freshfields (Hamburg), Gleiss Lutz (Stuttgart) and Clifford Chance (London); 1997 to 1998 second state legal examination (internationally recognized as a degree in law); 1998 to 2002 associate at Ritter, Gross & Partner; 1999 LL.M. (Master of Laws); specialization: “European Management and Employment Law” at the University of Leicester (England); 1998/2003 publications: “Environmental protection and competition”, in EUDUR, Prof. Rengeling, ed.); 2000 advising engineer of the Chamber of Engineers in Lower Saxony; 2003 partner at the Law Firm Horak Attorneys at Law; sworn interpreter/translator for courts and notaries in Hanover district (English). Admitted to Local Court and Regional Court of Hanover, also admitted to the Regional Appeal Court of Celle, licensed to practice in German local and regional courts, with the exception of matters for a civil court. Representative of the German patent and trademark department, of the Federal Patent Court, European office for Harmonization for trademarks, such as the International Bureau of WIPO, Domain-name arbi-

tration court and numerous other offices and courts. Certified specialist for intellectual property law since 07/2006. President of the Preliminary Examination Committee for certified specialist Lawyers in the main areas of legal protection of bar associations in Braunschweig, Oldeburg, and Cell, from the implementation of lawyers for industrial property rights protection, in 2006. Certified specialist for copyright and media law since 2012. University lecturer for higher education institutions (two colleges and one university) in industrial property rights protection and IT-rights. Numerous technical publications in trade journals regarding commercial property rights protection, author and media rights, IT-rights, competition and antitrust law. Member of the International Bar Association; German-Brit-

## Contact

### Graduate Engineer Michael Horak, LL.M.

Georgstraße 48  
30159 Hannover Germany  
horak@bwlh.de

Office **Katrin Marwede**  
Tel. +49.511.357 356-20  
Fax +49.511.357 356-29  
marwede@bwlh.de

Office **Julia Muhi**  
Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de



## Julia Ziegeler

**Attorney · Trademark Lawyer**  
**Certified specialist Attorney in the field of industrial property rights**  
**Certified Specialist Attorney in the field of copyright and media law**

Born 1978 in Bückeberg; from 1999 to 2003 studied law at Hanover University; 2003 first state legal examination; 2004 administration station at the DHV Speyer; electoral station at the Media Station of Lower Saxony in Hanover; 2006 final state legal examination in Düsseldorf; Lawyer since 2006; 2006 to 2007 Lawyer at a Law Office in Minden; equestrian and horse breeding near activities. Lawyer at Horak Attorneys at Law since 2008; partner and co-owner of the Horak Attorneys at Law Firm since 2012. Representative at all German local, district and regional courts. Specialist intellectual property law since 2010. Industrial property protection specialist, copyright and media law specialist since 2010. Attorney for author and media rights, since 2012. Since 2012, University professor of intellectual property law, copyright and media law at the University of Applied Sciences and Arts (HAWK) Hildesheim. Expert in intellectual property and member of the research project at Leibniz University in Hanover, since 2014. University lecturer at the “deutsche Presseakademie” in the areas of trademarks and rights and legal foundations of brand management. Various publications in the field of intellectual property rights, health rights such as competition law.

ish Lawyers Association, German-American Lawyers Association; American Association for the Protection of Industrial Property (AIPLA); DAV Working Association of Information Technology; Intellectual Property and Copyright Law (GRUR); German Society for Law and Computer Science (DGRI e.V.); Association of German Electrical Engineers (VDE); Association of experts in the field of industrial legal protection (VPP e.V), Marke, International Trademark Association (INTA), European Community Trademark Association (ECTA), Licensing Executives Society (LES).

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ATTORNEYS AT LAW

### Julia Ziegeler

Georgstraße 48  
30159 Hannover Germany  
ziegeler@bwlh.de

### Office **Katrin Marwede**

Tel. +49.511.357 356-20  
Fax +49.511.357 356-29  
marwede@bwlh.de

### Office **Julia Muhi**

Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de



## Anna Umberg, LL.M., M.A.

**Attorney · Certified Specialist in copyright and media law Certified Specialist in industrial property rights**

Attorney at law and specialist in copyright media law as well as industrial property law (Master of Laws and Master of Arts). Ms. Umberg is authorized to represent before all local, district and regional courts as well as specified courts for intellectual property in the EU. She participated in several courses regarding intellectual property law, passing her Master of Law in industrial property law at the University of Düsseldorf in 2015. Additionally, Ms. Umberg teaches Intellectual Property at several Universities, including the University of Applied Sciences and Arts in Hildesheim and prepares expert opinions for the Central Evaluation and Accreditation Agency Hanover.

Prior to joining Horak Attorneys at Law Partnership in 2013 she studied law at the University of Saarland, the Ruprecht-Karls University of Heidelberg and the University of Bologna passing her first state legal examination in 2006. From 2006 to 2009 Ms. Umberg completed her Master of Arts at the University of Hamburg and the University of Kent (UK). After her studies Ms. Umberg worked in several fields of law including associate at the Goethe-Institute Korea (Seoul); the German Embassy in Wilna (Lithuania); Foundation for the reappraisal of the SED Dictatorship; Goethe-Institut e.V., passing her second state legal examination in 2012.

**Individual distinctive features of our lawyers are specialization, branch-specific knowledges as well as creativity.**

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### Anna Umberg, LL.M., M.A.

Georgstraße 48  
30159 Hannover Germany  
umberg@bwlh.de

#### Office **Julia Muhi**

Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de

#### Office **Eric Scheu**

Tel. +49.511.357 356-27  
Fax +49.511.357 356-29  
info@bwlh.de





## Graduate Physicist

### Andree Eckhardt

**Patent Attorney**  
**European Trademark Attorney**  
**European Design Attorney**

Patent attorney, European Design Attorney and European Trademark Attorney with experience in various aspects of patent law including patent preparation and prosecution, patentability analysis, freedom to operate analysis, validity assessment, and IP strategy development.

Besides to the co-operation with Horak Attorneys at Law Partnership since 2015, Mr. Eckhardt works as a Patent Attorney for the TUI AG (former: Preussag AG). Prior to his work as Patent Attorney, Mr. Eckhardt studied physics at the Humboldt-University in Berlin, where he specialized in solid-state physics and optoelectronics. After his diploma as qualified engineer he worked as a development engineer and group leader in color picture tube development (license: Toshiba/Japan) as well as group leader for photoconductor development for Xerography copiers in Berlin. Additionally, Mr. Eckhardt passed additional training in information technology at Siemens-Nixdorf.

#### Graduate Physicist

##### Andree Eckhard

Georgstraße 48  
30159 Hannover Germany  
eckhard@bwlh.de

##### Office **Julia Muhi**

Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de

##### Office **Eric Scheu**

Tel. +49.511.357 356-27  
Fax +49.511.357 356-29  
info@bwlh.de



## Katharina Gitmann-Kopilevich

### Attorney

Attorney at law with experience in various aspects of law including intellectual property law, media law, competition law, copyright law, IT-law and civil law. Ms. Gitmann is authorized to represent before all local, district and regional courts as well as specified courts for intellectual property in the EU.

Prior to joining Horak Attorneys at Law Partnership in 2016, Ms. Gitmann studied law at the University of Hanover and Hamburg passing her first state legal examination in 2013. During her legal internship at the Senate Office at the department of Media Affairs and a Company for musical productions in Hamburg she worked as a research associate in a renowned Media law office in Hamburg. She passed her second state legal examination in 2015.



## Karoline Behrend

### Attorney

Attorney at law with experience in several aspects of law including intellectual property law, civil law, administrative law and competition law, in particular procurement law. Ms. Behrend is authorized to represent before all local, district and regional courts as well as specified courts for intellectual property in the EU.

Prior to joining Horak Attorneys at Law Partnership in 2016, Ms. Behrend studied law at the Georg-August-University of Göttingen and at the University of Vigo (Spain) passing her first state legal examinations in 2005. Her legal internship she practiced at the Higher Regional Court in Bremen, the evangelical church of Bremen and renowned law offices, passing her second state legal examinations in 2009.

# Contact

### Katharina Gitmann-Kopilevich

Georgstraße 48  
30159 Hannover Germany  
gitmann@bwlh.de

#### Office **Julia Muhi**

Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de

#### Office **Eric Scheu**

Tel. +49.511.357 356-27  
Fax +49.511.357 356-29  
info@bwlh.de

**horak.**  
ATTORNEYS AT LAW

### Karoline Behrend

Georgstraße 48  
30159 Hannover Germany  
behrend@bwlh.de

#### Office **Julia Muhi**

Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de



## **Dr. Johanna K. Müller**

**Patent Attorney, Dr., Graduate Biologist  
European Trademark Attorney  
European Design Attorney**

Patent attorney with experience in various aspects of patent law including patent preparation and prosecution, patentability analysis, freedom to operate analysis, validity assessment, and IP strategy development.

Prior to the co-operation with Horak Attorneys at Law Partnership in 2016, Dr. Müller was a European and German patent attorney trainee at a national and international operating law firm for intellectual property in Jülich. During this time she studied “Law for Patent Attorneys” at Hagen University and passed the European pre-qualifying examination. Prior to her legal career Dr. Müller studied Biology at the Georg-August-University of Göttingen focusing on the fields of biochemistry, chemistry and molecular biology. Working as a research assistant at the Institute for Clinical Biochemistry in Hanover she obtained her doctoral degree (Doctor rerum naturalium) with summa cum laude in 2012.

### **Dr. Johanna K. Müller**

Georgstraße 48  
30159 Hannover Germany  
dr.mueller@bwlh.de

### Office **Julia Muhi**

Tel. +49.511.357 356-16  
Fax +49.511.357 356-29  
muhi@bwlh.de



# Areas of Practice

## Administrative and Constitutional Law

We manage your projects having in mind both legal and practical matters – legal questions relating to construction and investment planning proceedings in the public sector, environmental law, including eco-auditing and environmental tolerance. We assist you in applying for permission and represent you before administrative courts. Time is often of particularly important in such cases. Our practice in this area includes among others law on protection against air pollution, law relating to waste, law on protection of monuments, industrial law, law relating to medicine production and gene technology law.

## Antitrust Law

While competition law should contain the behavior of competing companies, the anti-trust-law helps keeping the competition alive. With the introduction in 1999, of the sixth amendment to the Competition Restrictions Act, the German anti-trust law experienced considerable changes, structural reorganizations, such as the fusion of proceedings, in addition to adjustments to the European standards and new rules, such as the award procedure. In the area of company mergers and cooperation, HORAK Attorneys at Law take over both the national and European merger control.

Apart from the Anti-trust law, merger control considerations are also really important, if in marketing contracts, licensing agreement, franchising or similar contracts between competitors and adherents. The legal effectiveness of contracts is also relevant to anti-trust law standards.

## Commercial Law

Commercial law is the basis of the so called “business law”. We are experts in all areas of commercial law. One example are trade agreements: in times of rapidly changing forms of trade, the role of the law relating to sales representatives and out-of-office employment is continuously gaining importance. We represent well-known national and international commercial companies and advise them on drafting for example purchase, licensing and leasing contracts in the area of commercial law. We also prepare General Conditions of Purchase and Sale. Since most of our clients are entrepreneurs, one of our areas of specialization is drafting nationally and internationally applicable sale representative and franchise contracts focusing on our clients’ product.

**A**lternative forms of trade are not alien to us, on the contrary, they challenge our creativity.



## Company Law

Our activities reach from the establishment and management consultancies – for instance, in case of a transformation, acquisition and sale of companies – to inheritance law including succession provisions. The consultancy activities extend to all company forms, from the company of civil law, the limited partnership, the open trade company through the limited commercial company and corporation to an association or a cooperative.

This activity also includes advising on restructuring, inter-company agreements, controlling contracts, article amendments, mergers and demergers.

This structuring task is supplemented by long-standing forensic experience in the area of company law disputes, both in relation to management/ directors to the companies represented by them, as well as in disputes between shareholders. In order to optimize the business performance of a company at the interface between company law and tax law, we cooperate with a network that also includes tax consultants and accountants. In addition, we have cooperative agreements with civil law notary departments.

## Competition Law and Advertising Law

Intellectual property rights include competition law and advertising rights. Focusing on the Act of restriction of unfair Competition (UWG), we provide advice on marketing and distribution of products, implementation of ideas or other services.

Any good advertisement is supposed to emphasize his own products, his services or the advertising company. A good advertisement will move good critics in a fair competition.

When we are working for a company, our purpose is to minimize competition law risks and optimize the desired advertising effects.

We are here to avoid cost-intensive legal letters of warning or legal proceedings, and to make stronger your defense. In addition to this professional occupation in the run-up of an event, we take care of all his legal aspects during his development, in order to get short term reactions of third parties.

The activities of HORAK Attorneys at Law is also branch specific, in the area of competition law, preceded by a legal and economic interest that we have on our clients.

We also pursue legal peculiarities regarding for example medicine, food, pharmaceutical and medical products. We observe the development of Europe legislations and this will contribute to the success of our consultation.



**W**e put the claims of our clients into practice defending them against the insolvency administrator.

## **Contract Law (General Civil Law and Enforcement Law)**

HORAK Attorneys at Law are experts in civil law, and contract law. We are specialists in dealing with the economic interests of our clients in order to follow them in tailor-made and appropriate legal formulations. We are also supporting the interests of our clients in case of a legal dispute in between the contractual parties. We put the claims of our clients into practice defending them against the insolvency administrator. Our service is one of a kind. We provide our clients with specialized knowledges in the field of enforcement and the insolvency order to enforce their claims and succeed together.

Following the focal points of our main services:

- Contract arrangements and verification licenses agreements, remuneration agreements and publishing contracts, publication contracts and administration agreements, including contracts sound, film and data media production; (Artist and band takeover agreements, distribution contracts, performance contracts, appearance agreements);
- General media law, including publishing, press, internet, music, film, television and event rights as well as drafting of contracts for film and television productions (screenings, exploitation agreements, production agreements);
- Management, agency, consultancy and promotion contracts; Media cooperation and merchandising contracts;
- Technical protective measures such as access control systems and copy protection systems, in particular copy protection for audio CDs, DVDs, as well as for film and multimedia DVDs and other data carriers;
- Conduct of negotiation for authors with production and distribution companies;
- Negotiation monitoring of production and distribution companies against authors;
- Copyright examinations and evaluations, especially in the areas of design and art, as well as in the case of speech, sound and image works;
- Examination of rights, legal security and law enforcement;
- National and international rights management;
- Exploitation assessments (permissible utilization of the work).
- Judicial and arbitral enforcement of copyright claims of all kinds, including injunction procedures and international legal proceedings.

## Domain Rights, Internet Rights, Online Rights

You should pay particular attention to legal guidelines concerning your internet presence, in relation to your competitors, providers and users. When created in compliance with legal guidelines from areas such as copyright law, law of trademarks, telecommunications law and penal law, your web appearance will be as professional from the legal point of view as your company is in reality. Our law office works for commercial users, providers and clients who want to implement their ideas connected with this field. We are familiar with terms such as e-commerce, e-cash, cyber law, nic, TLD, metatags, PGP, etc.).

All the data processing we deal with, include the following:

- Domain administration (legal implementation and consultation in connection with the allocation of domains, clarification of administrations provisions of an award of a second level domain with any top-level domain, acquisition or release of domain).
- Domain name rights (legal protection of the domain name together with research and protection of the domain name, set of descriptive domains or additions in domains, Domain name violations and other collision procedures, trademark and name-legal protection).
- Domain trade law (legal arrangement of the purchase and sale of domains, domain due diligence, domain licensing, domain sharing, content-related design with media law provision as well as compulsory information, GTC, contract law).
- Domain procedural law (domain warning, domain legal proceedings, domain dispute resolution/arbitration proceedings).
- Domain management (portfolio management, process management of domain collisions, domain name monitoring)
- Domain technology law (telecommunications law, technical media law).

## Employee Inventions Law

The Act on Employee Inventions regulates legal assignments of inventions and technical improvement made from an employee. The latter, that brilliantly made a job-related invention, has to immediately put it written. In this way, he has a series of requirements of different form and content, to observe. At this point, the employer shall promptly confirm, writing a report of his employee's creation notification.

**In accordance with the declaration of the inventor-employee, the employer can make use of an invention unlimitedly or restrictively.**



## Energy Law

The amendment to the Energy Industry Act has “liberalized” the energy market. The old-established regional energy suppliers are aware of the challenge of increasing competition. New service suppliers are constantly entering the energy market.

**They are courting clients from all sides, offering them freedoms which they have never dreamt of before.**

We assist enterprises of the energy industry in strategic mergers, cooperation and when they are founding new divisions. We check, carry out and prevent energy transmission plans. We convert your business intentions into safe contracts and we revise existing contracts and bring them into line with legal requirements. We assist non-tariff customers in their business communication with energy suppliers, including contract negotiation, contract layout, changes to a contract, fulfilment of a contract and termination of a contract. Our activities further include solving problems connected with electricity distribution under the Renewable Energy Act and the Combined Heat and Power Act.

## European Right

European law is the right of European international organizations. The law of the European Communities constituted the basis for today’s European Union, that is evolving as central field of law.

We examine, clarify and represent in the following legal issues:

- How can European courts, European Court of First Instance or the European Court of Justice be sued?
- What rights can be protected by European authorities (in particular the Office for Harmonization, the European patent office), all over Europe?
- When are health-related services (food, medicine, medical products) inoffensive to the European economy?
- Which are the European requirements for information on packaging or advertising?
- How can the free movement of goods and services be used?
- How can European public institutions be dealt with?
- Who helps with disputes between consumers or companies and financial services providers such as banks, insurance companies or securities companies?
- What to do if the government of a country violates EU law?
- How does a petition (complaint or request) go to the European Parliament?
- What must be given special attention in information technology and telecommunications law?
- When is European antitrust law to be observed?
- What European frameworks does the European trade, business and commercial law provide?





## IT Law /Computer Rights/ Protection of Data Law / EDP-Rights

IT law is one of our major practice areas. Development, production, operation and maintenance of software and hardware require regular examination and adaptation of respective contracts and General Terms and Conditions of Trade, since the jurisdiction is constantly changing. We have profound and state-of-the-art knowledge of IT, covering among others general purchase and operating conditions, licensing contracts for software production and drafting licensing or system contracts. Having expert knowledge and experience in this area and being familiar with its special technical terminology, we are proud to offer our clients advice and assistance tailored to their needs.

Due to the high, common and easy availability of data, whose predictability and processing are in databases or computer-assisted systems, the Protection of Data represents a central facet for the present and future of legal practices. The protection of data regards not only the original data protection law, but also many other legal areas, such as industrial property rights protection or copyright law (unauthorized down- / uploads of protected works, databases law).

The protection of your data's privacy is really important, and our law firm can provide you the following services:

- Data Protection of business model's design in business and administrative context, by taking into consideration individual related data from clients and employees;
- Information and representation before data protection authorities, in case of cancellation of data breaches;
- Development of practical data protection and compliance concept;
- Provision of external data protection officer.

## Labor Law

We advise and represent our clients in all labor and employment legal questions. We advise companies and business owners in the daily business of employment law.

**In a termination of employment contracts our law firm can manage the cancellation proceedings for you.**

Of course, we advise companies and private individual in case of legal claims, for example. Furthermore, we offer a distinct service at our client's disposal in case of employees-contract's preparation.



## Law relating to Food Production and Distribution and to medical Preparations / Pharmaceuticals and Foodstuffs

We investigate the marketability of your new foodstuffs and their ingredients, including delimitation from pharmaceuticals. We are looking forward to advising you on legal questions concerning pharmaceuticals law, and on the question if particular packages and enclosed instructions for use are permitted by the law on competition. Furthermore, we assist administrative proceedings concerning foodstuffs and pharmaceuticals law.



**A** patent gives the patent holder the exclusive exploitation right including a prohibitive right.

## Patent Right, Utility Model Law, Trademark Law Design Law, Domain Law and License

Brands symbolize a background that will be associated with the contest, and quality or praiseworthiness of an object. The brand is a monopolistic right, similar to the ownership of a particular thing, the brand owner can proceed with his trademark, and so can use the brand itself, or can sell it and even “lease” it to individual or various third parties. A patent gives the patent holder the exclusive exploitation right including a prohibitive right. Only the patent holder can commercially exploit the patented invention, so that he can prohibit third parties from manufacturing, advertising, marketing and using or even owning or applying the patent procedure as well as of the object obtained by it.

Patents are issued for inventions which are new, which are founded on a creative activity and which are commercially applicable (§ 1 (1) Patent Act). “Only inventions” are patentable. An invention is a technical solution for a technical problem, which solves the problem by means of so-called innovative activity. An invention is considered new if goes beyond state-of-the-art technology (§ 3 (1) Patent Act). State-of-the-art technology comprises all knowledge which has been disclosed to the public up to the day of the application by means of a written/oral description, utilization, etc. Therefore, inventions cannot be presented to the public before their application – especially by the inventor – i.e. especially exhibited at fairs or even explained in detail. An invention must stand out from state-of-the-art technology by an inventive step or an invention is characterized by a so-called level of invention (§ 4 Patent Act). The required invention level has been reached if an invention lies above the average knowledge of an expert.



## Patents, Trademarks and Licenses

We are experts on all forms of intellectual property protection. Our services in this field range from assistance during the application procedure, protection of patents, utility models and trademarks, to domain names, semiconductors and plant species. Experience in many areas, e.g. IT, electrical engineering industry and pharmaceutical industry distinguish our law firm from others. We guide our clients in their strategic planning. We represent them in the German Patent and Trademark Office, in European offices and international bodies, in order to obtain the best possible protection of intellectual property, always carrying in mind our clients' interests.

**W**e administer the existing property rights, by defending them both in court and against competitors.

The administration of property rights includes exploitation of a property right as a marketing measure under the law of competition, avoiding the infringement of the rights of third parties, as well as direct reactions against product and property right piracy.

It is self-evident that we manage your property rights completely. For instance, we also examine if all requirements necessary for obtaining, expanding or delineating a trademark are fulfilled. We draft all necessary contracts, including licensing contracts, delineation settlements, agreements on secrecy as well as exploitation and sale contracts, etc. Additional qualifications, e.g. as graduate engineer, provide for competent advice and representation which include technical matters as well.

## Procurement Law

With Procurement Law, we intend the whole regulations and provisions that stipulate certain procedures for the Government, its authorities and institutions.

Procurement Law provide the formal condition to an effective tendering procedure, that is connected in the same way to the bidding companies as well as the public clients. If a party to the tendering procedure violates legal requirements, this latter can meet serious consequences. In case a party commit an infringement against the statutory provisions, these could bring relevant problems.

Again, in case of a violation from the part of a public authority, a cancellation of the tendering or a claim for damages from the tenderer is justified. In addition, if the bidding company violated its rights, the offer may not be taken in consideration. HORAK Attorneys at Law assist both contracting authorities and bidders in tendering procedures.

In addition to the full implementation of tendering procedures, contracting authorities are, on request, also only partially supported in the selection of the correct method, the preparation of the tender documents, the formulation of the advertising text and the evaluation of the offer. For bidding companies, the offers are formally and correctly developed, the accepted bid secured, and possible recourse claims verified. Thus, the tendering parties will be represented in the verification procedure.



## Sport Law

Sport is our passion and we have the pleasure to offer secure legal solutions for athletes, clubs, promoters, associations and other institutions. We evaluate your questions both from an economic and tactical point of view, trying to do our best in order to achieve great results, together. Sport has to be clear and transparent. For this reason, compulsory and enforceable regulations are so important. This is what we stand for!

From a pure legal point of view, there is no other field of law, that describes clearly and distinctly the sector of sport law. Various sports have different regulations (national and international) and they are not equally applicable in each case to all parties. In addition to the regulation of every sport, we also need to deal with the respective state's law. Sport Law includes also cases of alleged manipulation and doping: those are punishable by criminal law.

We are expert in sports law, especially in the following key points:

- legal counseling and representation of athletes, sports organizers, sports federations and league providers, as well as the corresponding formation of all related sport agreements;
- legal advice and representation in the context of sponsorship agreements, authorization assignment, league statutes, association and society agreements, etc.;
- Development and testing of sport club's articles of association, sport association charter and statutes, sponsorship agreements, marketing agreements (all media), sports rights agreements, sports license agreements, sports agency agreements, sports events agreements, sports organizers contracts, sports equipment contracts, horse contracts etc.;
- Legal consultation and representation of gamer managers, sports managers, sports company consultants, sports marketers, and sports sponsors;
- legal advice and representation before national and international sporting courts, as well as national courts and association or association courts;
- legal advice and representation in doping procedures, cross-disciplinary proceedings as well as in cases of competition barriers, transfers etc.;
- In the light of personal commitment, we also advise in the area of animal rights, in particular, equestrian clubs, horse sport associations, horse breeders and horse owners, as well as private and professional riders and veterinarians (including horses and horse doping);
- In light of personal commitment, we also consult in the area of animal rights, in particular, equestrian clubs, equestrian associations, horse breeding associations and horse owners such as professional riders and veterinarians (including horse's deficiency and horse's doping);
- sports law advice in connection with the associations' creations, the drafting and alteration of statutes, the divestment of economic business operations, sponsoring contracts and business agreements (including TV rights);
- prosecution of product piracy, infringements of sports law, trademark infringements, copyright infringements, violations of the right of self-determination with regards to public information, legal infringements in connection with verbal and image journalism.

**F**rom a pure legal point of you, there is no other field of law, that describes clearly and distinctly the sector of sport law.



## Technology Law

There are no closing guidelines on technology. In reality, this concerns legal issues with technical references (often particularly decisive), whether in the area of intellectual property law, IT law, telecommunications law energy law or “Standardization right” (Right of technical standards).

## Press Law, Publishing Law and Copyright Law (with Music Law, Film Law, Image Rights, Photography Rights)



In terms of media and copyright law, we offer, in addition to contract design for the underlying sector, advisory potential especially for the media, including press and publishing rights. We also design contracts between artists, production companies and broadcasters and accompany the marketing of media products. In addition, we also represent our clients against misrepresentation, reputation damage and so on. “Image right” is the product of the fundamental rights on an informational self-determination, “Image rights” is the product of the basic right on informational self-determination of an image that needs to have the consent of a depicted person.

It is legally called “Right of persons to their own likeness”. If we talk about Photo Rights, on the other hand, we follow the rules of copyright law and ancillary copyright of the photographer who takes the photo. In this case, it can be handle as a personal creation because, for example, an extra motive has been chosen, or we could have a post-production to consider; it could have reached every kind of creativity level.

**H**owever, a photographer has to deal with ancillary copyright issues even by a simple photoshooting.

Besides, not everything can be photographed and subsequently being used for advertising purposes. This kind of matters can be really differentiating. Please feel free to contact us for further clarifications.

The longstanding experience of our lawyers in the traditional copyright law, make easier an introduction to new media with interfaces in telecommunication rights and IT rights. In this way, we are able to remove from the beginning the whole problems regarding copyright issues. Thus, a lot of people are involved under different legal forms in the development, establishing, realization and financing of a film or a TV-production; in this way, the respective legal national or international issues are really various and can touch different bundle of rights, in which generalizations are not allowed. The individual legal relationships must be examined in each case, depending on the point of view of each specific situation that has to be examined and accompanied. The right of telecommunications today (that is the result of the liberalization of the former monopoly) is divided into different subareas. This has a big effect on antitrust law issues as well as on aspects of intellectual property protection or consumer protection. Finally, we advise on public-law questions in connection with the regulatory authority for postal and telecommunications areas. In force from the telecommunications acts and their regulations, the regulatory density has risen steadily in the administrative area. When we talk about Copyright, we intend to protect the original copy (=copyright) of a piece of art, music or literature, for instance.



## **A**n Assumption is a personal creation. We protect work of literature, science and art.





Photo right is described above all by the copyright, the general personality right and the right in the own picture. Both the production, the acquisition and the publication of photographs and their legal consequences are important for the everyday practice of photographers, photographers, photo agencies and photographers.

“Media law” is the first that has been standardized in media-specific regulations such as national press law, broadcasting laws, broadcasting agreements, media services, government contract, telecommunications law, and Communications Services Act, etc.

However, the branch distribution, which belongs to media rights, is also legally related to media relations, such as competition law, Copyright, trademark (title protection), publishing and youth legal protection norms etc. Photo right follows the rules of copyright law, general personal rights, and “Right of persons to their own likeness”. Both the production, the acquisition and the publication of photographs and their legal consequences are vitally important for the everyday practice of photographers, photo agencies, and photograph’s users.







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ATTORNEYS AT LAW



### Hanover

Georgstraße 48  
30159 Hannover  
Germany

Tel. +49.511.35 73 56 -0  
Fax +49.511.35 73 56 -29

E-Mail [info@bwlh.de](mailto:info@bwlh.de)  
[www.english.bwlh.de](http://www.english.bwlh.de)



### Munich

Landshuter Allee 8-10  
80637 München  
Germany

Tel. +49.89.2 50 07 90 -50  
Fax +49.89.2 50 07 90 -59

E-Mail [munich@bwlh.de](mailto:munich@bwlh.de)  
[www.english.bwlh.de](http://www.english.bwlh.de)



### Vienna

Trauttmansdorffgasse 8  
1130 Wien  
Austria

Tel. +43.1.8 76 15 17  
Fax +49.511.35 73 56 -29

E-Mail [wien@bwlh.de](mailto:wien@bwlh.de)  
[www.english.bwlh.de](http://www.english.bwlh.de)

IBAN DE71250501800910110344  
BIC/SWIFT SPKHDE2HXXX

St.-Nr. 2311802849  
USt-ID-Nr. DE284516037

