

On-call service and rapid-response protocol for the 2026 Mobile World Congress

Barcelona will host the 2026 Mobile World Congress, for which the commercial courts of Barcelona and Alicante have approved both an on-call service and rapid-response action protocol to provide a balanced, efficient way of protecting rights through precautionary measures.

1. INTRODUCTION

The Mobile World Congress (“MWC”), the world’s leading congress in the communications and mobile sector and its associated industries, will be held in Barcelona from 2 to 5 March 2026.

The 2025 edition of the event was an unequivocal success, significantly exceeding the attendance figures recorded in 2024 and matching the historic attendance record set in 2019. According to official figures, last year’s edition attracted more than 109,000 people from 205 countries and involved more than 1,200 speakers and more than 2,900 partners and sponsors. In short, the MWC is an indispensable event for everyone in the new technologies sector.

This year’s six themes are Intelligent Infrastructure, ConnectAI, AI 4 Enterprise, AI Nexus, Tech4All, and Game Changers.

During the MWC, leaders in the mobile industry (and technology in general) unveil their latest products and preview some of the projects they are currently developing. This hive of creativity and innovation is also an ideal setting for infringements, such as of intellectual property rights, trademarks, technology patents, industrial designs, antitrust offences or acts of unfair competition including, among others, acts of illegal advertising. Similarly, some companies may decide to seek injunctive relief and request *inaudita parte* precautionary measures before filing a claim against a competitor to prevent or hinder the worldwide launch of a new product during the MWC.

In order to guarantee a fast, balanced and efficient system of preventive protection of rights, the panel of judges of the commercial courts of Barcelona and the panel of judges of the commercial courts of Alicante (European Union Trademark Court of Spain, First Instance), jointly approved a protocol on 4 December 2025 for on-call service and rapid-response that will apply in February 2026 and during the event itself. This is the eighth year the commercial courts of Alicante have adopted this protocol and the twelfth consecutive year for the commercial courts of Barcelona.

2. ON-CALL AND RAPID-RESPONSE PROTOCOL

The legal actions that can be brought against the type of infringements that could arise in the MWC are handled by the commercial courts of Barcelona, which have both territorial and subject-matter jurisdiction or, where appropriate, the commercial courts of Alicante (when a European Union trademark or a Community design is infringed).

In particular, the Board of Judges of both the commercial courts of Barcelona and the commercial courts of Alicante agreed on the following protocol:

- a. To give priority to the following
 - i. requests for preliminary proceedings and/or inquiries to substantiate facts (*diligencias de comprobación de hechos*) in relation to technological patents and industrial designs that are presented at the MWC as well as infringements of trademarks and intellectual property rights; antitrust and acts of unfair competition and illegal advertising in connection with products and materials to be presented, exhibited, promoted, offered or sold at the MWC; and
 - ii. emergency preliminary injunctions (whether or not *ex parte*) in relation to technological patents and industrial designs that are presented at the MWC as well as infringements of trademarks and intellectual property rights; antitrust, acts of unfair competition and illegal advertising in connection with products and materials to be exhibited or displayed at the MWC.
- b. The judges undertake to hand down a decision
 - i. within 48 hours of requests for preliminary proceedings and/or inquiries to substantiate facts (*diligencias de comprobación de hechos*);
 - ii. within 48 hours of the court receiving the complaint for application for interim measures without a hearing; and
 - iii. within ten days of the court receiving the complaint, the application for interim measures with a hearing, provided a protective letter has been filed.
- c. To decide within 24 hours on the admission of requests for protective letters lodged by those who reasonably believe that, during the MWC, they could be subject to a request for precautionary measures without a hearing in the event of a potential industrial or intellectual property dispute with another company. The purpose of quickly admitting and ruling on such requests is to avoid, to the extent possible, preliminary injunctions being granted without hearing the other party.
- d. In order to assess whether the urgency requirements for *ex parte* preliminary injunctions are met, special attention will be paid to the applicant's prior conduct and how quickly it reacted to knowing about the potential infringement; this includes assessing when the applicant could have had reasonable knowledge of the disputed matter in order to determine whether or not the claimant could have requested the urgent preliminary injunction earlier. In other words, the court will carefully analyse whether the matter is actually urgent or just a strategy to unjustifiably prevent the defendant from being heard.

- e. Adopt, *ex officio*, or at a party's request, the measures necessary to keep any trade secrets provided in a procedure confidential. These measures will be adopted under Law 1/2019 of 20 February on trade secrets and Directive (EU)2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure and, in relation to the commercial courts of Barcelona, in accordance with the special Protocol for the Protection of Trade Secrets.
- f. Adopt and extend the immediate execution of preliminary injunctions and/or urgent measures filed when they comprise
 - i. acts of presentation, exhibition, promotion, offer or sale, carried out or to be carried out at the MWC, in the metaverse or any other type of environments, and virtual worlds or online platforms; and
 - ii. acts derived from images, texts, videos, sounds, voices of people or, in general, content, predictions, recommendations or decisions generated by automated mechanisms, software, algorithms or AI systems.
- g. The commercial courts of Barcelona will immediately enforce injunctions and/or urgent measures that, within the scope of their specific jurisdiction, the commercial courts of Alicante orders (European Union trademarks and Community designs), thus guaranteeing that the decisions taken are effective. Appropriate communication and cooperation channels will be set up for this purpose.

As mentioned, this protocol will be in force in February 2026, and between 2 and 5 March 2026 when the MWC is held.

The judges of the commercial courts of Barcelona and Alicante have reported their protocol to the respective Governing Chambers of the High Courts of Justice of Catalonia and Valencia, as well as to the General Council of the Judiciary, for their approval.

3. CONTACT OUR TEAM

At Uría Menéndez we have extensive experience in the matters affected by this protocol and, in particular, in advising technology companies on previous editions of the MWC. If you have any queries or require legal advice on precautionary measures in Spain, protective letters, the protection of trade secrets or the protection of intellectual and industrial property rights, please contact us. We will be pleased to assist you.



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