

## Thomas WIDMER

Counsel



### Admission

Switzerland, 2007

### Nationality

Swiss

### Languages

French

English, Spanish

### Practices

Litigation

### Areas of focus

Intellectual Property

Pharma and Biotechnology

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## BIOGRAPHY

Thomas Widmer joined LALIVE as an associate in 2007. His main areas of practice are domestic litigation and intellectual property. He is a member of the Board of AIPPI (International Association for the Protection of Intellectual Property) Switzerland. He is also a member of the Copyright Standing Committee of AIPPI, the International Trademark Association (INTA), the *Association Romande de Propriété Intellectuelle* (AROP) and, since 2020, he is a Special Coach in licensing, alliances and M&A at Innosuisse, the Swiss Innovation Agency.

Before passing the bar-exam in Geneva and joining LALIVE, Thomas Widmer trained in Geneva with Rouvinet Eigenheer Beguin (2005-2006) and at the finance department of the City of Geneva (2004). He also participated as a member of the Geneva Law Faculty team to the 2003 Willem C. Vis International Commercial Arbitration Moot in Vienna.

Thomas Widmer holds a law degree from the University of Geneva (2003) and also studied at the University of Utrecht, The Netherlands (2002). He also holds three World Intellectual Property Organization (WIPO) certificates ("General Course on Intellectual Property", "Trademarks, Industrial Designs and Geographical Indications" and "Patents").

Since 2014, Thomas Widmer teaches the "Legal and regulatory approach" module of the "Business Communication, Web expertise and Social Media" course at the University of Geneva (Faculty of Economics and Social Sciences). This module mainly covers the legal framework surrounding e-commerce, intellectual property and data protection. Since 2017, he also teaches the "Intellectual Property" module of the Master 2 "Management and Business Administration" course offered jointly by the University of Geneva (Geneva School of Economics and Management) and the University of Savoy Mont Blanc. As from January 2022, Thomas Widmer will be in charge of a course on the introduction to commercial law at the *Institut Capacité en droit*. This Institute, based in Geneva, awards the certificate of *Capacité en droit*.

## PUBLICATIONS

### **International Association for the Protection of Intellectual Property (AIPPI), Study Question - Descriptive use as a defence in trade mark proceedings**

Thomas Widmer (chair), Gallus Joller and Cyrill Rieder, 2020

International Association for the Protection of Intellectual Property (AIPPI), 2020

### **The fate of “perpetual” licence agreements under Swiss law**

Thomas Widmer & Eléonore Caroit

TerraLex Connections, January 2020 (delivered through Lexology)

### **International Association for the Protection of Intellectual Property (AIPPI)**

Study Question – IP damages for acts other than sales

Thomas Widmer, Roger Staub (chair) & al.

International Association for the Protection of Intellectual Property (AIPPI), 2019

### **International Association for the Protection of Intellectual Property (AIPPI), Study Question – Registrability of 3D Trademarks**

Thomas Widmer, Lorenza Ferrari Hofer (chair) et al, 2018

International Association for the Protection of Intellectual Property (AIPPI), 2018

### **Design “Repair Clause”: A Brief Overview of European and Swiss Law**

Thomas Widmer, 2018

International Association for the Protection of Intellectual Property (AIPPI) e-News No. 56, February 2018

### **“Clos d’Ambonnay”: controversial decision about the registration of trademarks consisting of a foreign GI**

Thomas Widmer, 2017

International Trademark Association (INTA) Bulletin, Vol. 72, N° 15, 1 September 2017

### **International Association for the Protection of Intellectual Property (AIPPI), Study Question – Bad faith trademarks**

Thomas Widmer (chair) et al., 2017

International Association for the Protection of Intellectual Property (AIPPI), 2017

### **Switzerland**

Thomas Widmer, Deborah Lechtman, 2016

In: Dennis Campbell (General Ed.), *Internet: Laws and Regulatory Regimes - 2nd Edition*, Juris Publishing, 2016

### **International Association for the Protection of Intellectual Property (AIPPI), Study Question - Requirements for protection of designs**

Thomas Widmer, Pascal Fehlbaum (chair) et al., 2016

International Association for the Protection of Intellectual Property (AIPPI), 2016

### **Commentaire de l’arrêt «Kit Kat» de la Cour de Justice de l’Union européenne (C-215/14)**

Thomas Widmer, 2016

sic! Revue du droit de la propriété intellectuelle, de l’information et de la concurrence, January 2016

### **Risk of confusion: the reputation of the junior mark is not relevant, says the General Court of the European Union**

Thomas Widmer, 2015

International Association for the Protection of Intellectual Property (AIPPI) e-News No. 44, November 2015

## **Utilisation licite de la marque d'autrui : un point de situation**

Thomas Widmer, 2015

sic! Revue du droit de la propriété intellectuelle, de l'information et de la concurrence, November 2015

## **Action récursoire et enrichissement illégitime: Brève réflexion sur la hiérarchie des responsabilités au regard de l'art. 51, al. 2 CO**

Thomas Widmer, 2015

Revue Suisse de Jurisprudence (RSJ), 111/2015, pp. 339

## **Swiss jurisdiction over a US patent**

Thomas Widmer, 2015

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 41, April 2015

## **AIPPI attends the 28th session of the Standing Committee on Copyright and Related Rights**

Thomas Widmer, 2014

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 37, August 2014

## **Suisse**

Kamen Troller, Thomas Widmer, 2014

In: Pierre Greffe, François Greffe, Traité des dessins et des modèles France - Union Européenne - Suisse - Continent Américain, 9th ed., Lexis Nexis, pp. 909-938.

## **Swiss law: The Emirates Airline company gets back the www.emirates.ch domain**

Thomas Widmer, 2014

International Association for the Protection of Intellectual Property (AIPPI) e-News No. 35, April 2014

## **Commentaire romand Propriété Intellectuelle**

Thomas Widmer, Kamen Troller, 2013

Articles 5-7, 11, 21, 50-53 LDes et 14, 15, 141-143 et 145 LBI

## **Swiss court prevents the implementation of a WIPO domain name decision**

Thomas Widmer, 2013

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 32, October 2013

## **Cigarette trademarks: "Activate" and "Release" deemed distinctive under Swiss law**

Thomas Widmer, 2013

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 31, July 2013, pp. 5 & 13

## **Swiss Moral Rights permit owner to destroy but no modify house: a recent decision of a Swiss state Court**

Thomas Widmer, 2013

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 30, May 2013, pp. 4 & 13

## **Indications de provenance « Suisse »: analyse de la jurisprudence récente et réflexions de lege ferenda**

Thomas Widmer, 2013

sic! Revue du droit de la propriété intellectuelle, de l'information et de la concurrence, 2013, pp. 222

## **Inactive domain names may infringe Intellectual Property rights under Swiss law**

Thomas Widmer, 2013

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 28, January 2013, pp. 4 & 11

## **Made in Switzerland: le projet Swissness bat de l'aile**

Thomas Widmer, 2012

Le Temps, Economie Forum, 17 October 2012, pp. 16

## **“Austin used in 1833 & ever since” trademark deemed misleading in Switzerland for goods not originating from the United States**

Thomas Widmer, 2012

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 26, September 2012, pp. 5 & 21

## **Utilisation d'une marque refusée à l'enregistrement**

Thomas Widmer, 2012

sic! Revue du droit de la propriété intellectuelle, de l'information et de la concurrence, 2012, pp. 169

## **Les « suggestions » de Google devant la justice jurassienne**

Thomas Widmer, 2012

sic! Revue du droit de la propriété intellectuelle, de l'information et de la concurrence, 2012, pp. 126

## **Buddha-Bar mark in breach of Switzerland's morality**

Thomas Widmer, 2011

International Association for the Protection of Intellectual Property (AIPPI), e-News No. 21, November 2011, pp. 5 & 18

## **Chronique de jurisprudence suisse, Loi fédérale de droit international privé, Propriété intellectuelle**

Thomas Widmer, 2011

Journal du Droit International, April-May-June 2011, No. 2/2011, pp. 465-468

## **L'iPhone serait-il une marque non protégée? La question fait débat en Suisse**

Thomas Widmer, 2010

Le Temps, section Finance, 22 November 2010, pp. 16

## **Contrefaçons : eBay grimace, Ricardo.ch reste zen**

Thomas Widmer, 2008

Le Matin Dimanche, section Economy, 6 July 2008, pp. 25

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## CONFERENCES

### **International Association for the Protection of Intellectual Property (AIPPI)**

AIPPI Swiss Group Webinar about Study Questions and Resolutions 2022

Webinar. 24 November 2022,

Moderator

### **International Association for the Protection of Intellectual Property (AIPPI)**

AIPPI annual congress 2022

San Francisco. 10-13 September 2022,

Co-speaker: Hold the Presses! Fair Use on the Internet

## **International Association for the Protection of Intellectual Property (AIPPI)**

AIPPI annual congress 2022

San Francisco, 10-13 September 2022,

AIPPI Café moderator: Copyright and Photography

## **Culture Valais**

Introduction à la propriété intellectuelle

Sion, 9 October 2021

Speaker

## **Association Internationale pour la Protection de la Propriété Intellectuelle (AIPPI)**

Annual meeting: Descriptive use as a defence in trademark proceedings

October 2020

Secretary

## **Geneva Pharma Network**

Lunch and Learn. Everything you want to know about patent in pharma! Licence & distribution agreements

Geneva, 20 November 2019

Speaker

## **LALIVE**

Art Law Event: A la découverte de l'art aborigène

Geneva, 4 June 2019

Speaker: Quelques aspects de droits d'auteur

## **International Trademark Association (INTA)**

To What Extent is Slavish Imitation of Non-IP Protected Products Lawful?

Boston, 22 May 2019

Moderator

## **WIPO Arbitration and Mediation Center & Young ICCA**

Arbitration of trademark and commercial disputes

Geneva, 31 January 2019

Moderator

## **International Trademark Association (INTA)**

Bad Faith and Revival of Abandoned Trademarks by Third Parties

Seattle, 23 May 2018

Moderator

## **International Association for the Protection of Intellectual Property (AIPPI), Switzerland**

AIPPI Switzerland Q&Rs 2017

Zurich, 23 November 2017

Speaker: presentation of the "Bad faith trademarks" resolution adopted on 17 October 2017 in Sydney

## **International Association for the Protection of Intellectual Property (AIPPI)**

Annual meeting: Bad faith trademarks

Sydney, 13-17 October 2017

Secretary

## **LALIVE**

Art Law Event: La photographie et le droit

Geneva, 30 May 2017

Speaker: photographies de presse, liberté de panorama et titularité de droits d'auteur

**International Trademark Association (INTA)**

The Interplay between Trademark Rights and Copyright  
Barcelona, 21 May 2017  
Moderator

**ICC Young Arbitrators Forum**

Distribution Law and Arbitration  
Torino, 4 November 2016  
Speaker: Intellectual Property Claims in Distribution Contracts Related Disputes

**The Cité Universitaire of Geneva**

Conférence des Directeurs et Directrices des résidences pour étudiants  
Geneva, 18 May 2016  
Speaker : Le droit du bail dans les résidences pour étudiants

## ACADEMIC POSITIONS

**Lecturer**

*Institut Capacité en droit*, Geneva – Introduction to Commercial Law  
2022-

**Guest Lecturer**

Fribourg University School of Law, Master of Laws (LL.M.) in Cross-Cultural Business Practice  
International Joint Ventures – International Agency and Distributorship Agreements  
2014-

**Lecturer**

University of Geneva (Geneva School of Economics and Management) and the University of Savoy Mont Blanc  
International business law, Intellectual property law  
2017 –

**Lecturer**

University of Geneva, Faculty of Economics and Social Sciences  
Legal and regulatory approach module – Business Communication, Web Expertise and Social Media  
2014 –

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