

Thomas WIDMER

Counsel



Admission

Switzerland, 2007

Nationality

Swiss

Languages

French, English, Spanish

Practices

Litigation

Areas of focus

Intellectual Property
Pharma and Biotechnology

tel: +41 58 105 2000
email: twidmer@lalive.law

Rue de la Mairie 35
PO Box 6569
1211 Geneva 6 - Switzerland

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* (AROPI) 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*. In March 2023 Thomas Widmer successfully completed the course of “Data Protection Officer”.

PUBLICATIONS

The revised Swiss data protection act and international organizations

Sandrine Giroud, Thomas Widmer, Vincent Reynaud, Anton Vallélian, 2023

In: Lexology online, LALIVE blog, 21 August 2023

Violation d'un contrat de licence, fondement contractuel et/ou délictuel?

Thomas Widmer, 2023

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

Les amendes «administratives» prévues par l'art. 83 du RGPD peuvent-elles être reconnues et exécutées en Suisse?

Thomas Widmer, 2023

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

Unsigned contracts: can they be binding under Swiss law?

Thomas Widmer, Simon P. Quedens, 2023

Lexology online and LALIVE Blog, 28 March 2023

ChatGPT and Swiss copyright law: a brief and selected overview

Thomas Widmer, 2023

International Association for the Protection of Intellectual Property (AIPPI) Newsletter, 24 March 2023

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

CONFERENCES

International Association for the Protection of Intellectual Property (AIPPI)

AIPPI Swiss Group Webinar about Study Questions and Resolutions 2023

Webinar, 30 November 2023

Moderator

International Association for the Protection of Intellectual Property (AIPPI)

AIPPI annual congress 2023

Istanbul, October 2023

Moderator: NTFs in practice

International Association for the Protection of Intellectual Property (AIPPI)

AIPPI Switzerland Swiss Day 2023

Bern, 30 March 2023

Conference chair: Equivalence and Use: two evolving challenges in the context of IP

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-

LALIVE

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 –
