Sulzer continues to enforce its rights

By Sulzer Mixpac Staff

Sulzer Mixpac Ltd. operates globally in the field of static mixing tips, cartridges and dispensing devices for the dental sector. In recent times, the company reports, substantially identical copies of the static mixing tips for two-component cartridges and syringes have increasingly been discovered. These copies by other manufacturers are not subject to Sulzer’s quality controls and are therefore not covered by its warranty. In the interests of its clients, Sulzer will continue to take legal steps against all such copies.

With its ruling in 2010, the Cologne District Court determined that the mixing tips forming the basis of Sulzer’s complaint represent unfair copies of the mixing tips of Sulzer Mixpac Ltd. and result in an avoidable deception with respect to the commercial origin (Court ref. 33 O 306/09). This decision was also then confirmed in the second instance by the Cologne Higher Regional Court with its 2011 ruling (Court ref. 6 U 189/10).

Sulzer has continued to enforce these rights over the years in many dozens of court actions or out-of-court settlements with slavish imitators of its mixing tips. The company has successfully enforced its patent, trademark or other IP rights against certain infringing colored mixing tips in many countries, including Germany, Japan, the U.S. and the U.K.

Despite these measures, in 2016 and 2017 further unfair slavish copies of the mixing tips and/or patent-infringing mixing tips were discovered and action was taken, for example, in Germany. Shortly before the IDS 2017 several distributors of mixing tips infringing EP0885651 in Germany were stopped by accepted court decisions or out-of-court settlements. In addition, patent infringement actions were filed at the Dusseldorf District Court against three Korean suppliers of mixing tips infringing EP0885651 who were offering them at the IDS 2017: B&E Korea Co., Han Dae Chemical and HBI Inc. All three infringers have now accepted the preliminary injunctions as a final binding decision. In addition, the Korean manufacturer of these patent-infringing mixing tips, Seil Global, has agreed to respect Sulzer’s rights worldwide for all members of the patent family for their remaining lifetimes.

In addition, 11 preliminary injunctions due to unfair competition were obtained from the Cologne District Court against various providers of slavish copies of Sulzer’s mixing tips during the IDS 2017 by which inter alia the offering, advertising and marketing of these copied mixing tips for the dental sector were prohibited. Furthermore a preliminary injunction from the Dusseldorf District Court was served at IDS 2017 on an exhibitor offering dynamic mixers infringing Sulzer’s European patent, EP1943012.

Sulzer is committed to protecting its products. Genuine MIXPAC™ tips can be identified by the MIXPAC name stamped on the retaining ring and the candy-color quality seal.

About Sulzer Mixpac

The 850-employee Sulzer Mixpac is a leading manufacturer and supplier of cartridge-based metering, mixing and dispensing systems and disposable mixers for reactive multicomponent materials. It is part of the Sulzer group international network based in Switzerland with subsidiaries are in the U.S., U.K. and China.