

MAAK ADVOCATEN

SPECIALISED LAW FIRM IN AMSTERDAM

PRODUCT REGULATION & COMPLIANCE • COMMERCIAL CONTRACTING • MARKET ACCESS • CIVIL LITIGATION • REGULATORY LITIGATION • INTELLECTUAL PROPERTY LAW • LOGISTICS, INDUSTRY & TRADE

KRAANSPOOR 34, 1033 SE AMSTERDAM, THE NETHERLANDS

+31 (0)20 210 31 38 • MAIL@MAAKADVOCATEN.NL





WHO ARE WE?

MAAK Advocaten is a specialised law firm in Amsterdam focusing on product and supply chain compliance and the protection of intellectual property. We support your organisation with the day-to-day challenges of your core business. Our specialists advise, draft contracts and litigate, and actively contribute to your commercial strategy.

Within the manufacturing chain, we assist suppliers, manufacturers, brand owners, importers, distributors, platforms, fulfilment service providers and government bodies, among others. We understand your sector and your value chain, and we see your business opportunities and risks.

- **97% CLIENT SATISFACTION**
- **25+ YEARS OF SECTOR EXPERTISE**
- **7 INTEGRATED AREAS OF EXPERTISE**
- **GLOBAL NETWORK**

1. PRODUCT REGULATION & COMPLIANCE FROM DESIGN TO END-OF-LIFE

MAAK guides and supports your organisation with all questions and legal challenges in the field of product regulation, compliance and (product) liability.

We advise and guide you throughout the entire product life cycle: from design and development to issues concerning brand protection and CE marking. We also assist with digital aspects and the market launch of products. In addition, we advise on market surveillance and provide guidance at the end of the life cycle, such as waste management, collection and recycling. You can also turn to us for related matters, such as packaging regulations, environmental legislation (including greenwashing and green claims), F-gases, CBAM and labelling requirements.

Our experts advise daily on the European and national regulations that apply to your products. We do so for a wide range of sectors and product groups, including fast-moving consumer goods, life sciences, automotive, the energy transition (batteries, solar parks, digital infrastructure), machinery, software, Artificial intelligence (AI), robotics, liability and IT. We translate these complex regulations into concrete, workable compliance frameworks and practical solutions for your organisation.

When it matters most, we stand right beside you. Our specialists assist with product liability claims, product recalls and enforcement actions by authorities including the NVWA (Netherlands Food and Consumer Product Safety Authority), the ILT (Human Environment and Transport Inspectorate), the RDI (Dutch Authority for Digital Infrastructure) and the Netherlands Labour Authority. Thanks to the close cooperation between our compliance specialists and experienced litigators, we offer unique, high-quality services for your legal challenges. Where product regulation and intellectual property intersect, for example in the case of counterfeit products that do not meet the applicable safety requirements, we liaise directly with our IP specialists.

WHERE DOES MAAK ADD VALUE?

We guide you through the entire life cycle of your product: from design and development to market launch and end-of-life obligations. This includes, among other things:

- Legal advice on EU product legislation (including CE marking, RoHS, REACH, EUDR, the Batteries Regulation, PPWR, the Forced Labour Regulation, the Toy Safety Regulation, the (new) Product Liability Directive, the Machinery Regulation and more
- Guidance on market launches, product modifications and compliance strategies
- Advice on digital product aspects, such as software requirements and cybersecurity obligations
- Support with end-of-life obligations: waste, collection, recycling and extended producer responsibility
- Strategic advice on market surveillance and threatened enforcement by the NVWA, RDI, ILT and other regulators
- Alignment of product compliance and IP protection, such as trade mark and design protection during the design phase and reporting non-compliant counterfeit products to regulators

2. MARKET ACCESS

ENTERING THE MARKET

In a globalised world, we support and advise manufacturers and importers worldwide in gaining access to relevant markets and, of course, in remaining on those markets. Our advice covers, among other things, existing, new and upcoming product legislation, certification and labelling, and compliance strategies.

Our lawyers have an international network and will be happy to guide you in accessing the EU internal market and the markets of the United States, Canada, the United Kingdom, Australia, South America, China and India.

Our specialists work closely with technical experts, testing bodies and authorised representatives to deliver compliance strategies that are pragmatic, cost-effective and sustainable, so that products can be placed on the market internationally. In doing so, we ensure that your trade marks and product designs are protected in good time in the countries where you start doing business.

When regulatory barriers prevent or delay market access, we help your organisation challenge these barriers through legal and administrative channels.

HOW DOES MAAK PROVIDE SUPPORT?

MARKET ACCESS & INTERNATIONAL COMPLIANCE

- Guidance and advice for manufacturers and importers on (global) product legislation
- Certification, labelling and compliance strategies for new markets
- Guidance on EU market access requirements and on remaining on the market
- Advice on product recalls, corrective measures and market withdrawals
- Protection of trade marks, designs and trade names when entering new markets, including international registrations

3. REGULATORY LITIGATION

SUPERVISION AND ENFORCEMENT

In discussions and disputes with regulators, a great deal is at stake — not only financially, but also for the reputation of your organisation.

MAAK supports and represents companies in national, European and international enforcement actions by market surveillance authorities, such as the Netherlands Food and Consumer Product Safety Authority (NVWA), the Dutch Authority for Digital Infrastructure (RDI), Dutch Customs, the Netherlands Labour Authority and the Human Environment and Transport Inspectorate (ILT).

We assist organisations facing administrative fines, sales bans, mandatory recalls, product recalls or other sanctions. We handle all communication with the regulator, file objections against decisions and, where necessary, bring proceedings against (proposed) enforcement measures. We also assist you when Dutch Customs detains shipments on suspicion of an infringement of intellectual property whether you are the right holder or the party whose goods are being detained.

Our approach is assertive and decisive. Where possible, we seek constructive dialogue with regulators; where necessary, we litigate vigorously. Throughout, one goal remains central: protecting the position and reputation of your organisation.

REGULATORS BEFORE WHICH MAAK ACTIVELY APPEARS

ENFORCEMENT & SUPERVISION

- Advice on international product requirements for manufacturers and importers worldwide
- Certification, labelling and compliance strategies for new markets
- Guidance on EU market access requirements and on remaining on the market
- Advice on product recalls, corrective measures and market withdrawals

OUR APPROACH TO A DISPUTE WITH A REGULATOR

As soon as enforcement action looms, acting quickly is essential. Our specialists not only analyse your organisation's legal position, but also anticipate the regulator's strategy.

We assess the burden of proof and map out your options to limit both financial and reputational damage as much as possible. In doing so, we focus on an effective and strategic approach, tailored to your specific situation.

✔ Swift and strategic support in enforcement actions protects your business continuity and reputation.

✔ MAAK combines knowledge of your sector with expertise in product regulation and compliance.

4. COMMERCIAL CONTRACTING & ESG

SOUND AGREEMENTS AS THE FOUNDATION OF YOUR ORGANISATION

Commercial contracts form the foundation of any collaboration. Our experienced contract lawyers guide your organisation throughout the entire life cycle of a commercial relationship: from negotiation to contract formation, and from disputes over breach of contract to the termination of agreements and claims for damages.

Our specialists advise on and draft a wide range of commercial agreements and general terms and conditions of purchase and sale, and litigate disputes arising from them. We assist Dutch and foreign organisations with their national and international ambitions.

A significant part of our work involves legal support for purchasing (and sales), production, distribution, agency, franchising, licensing and transport.

As supply chains become longer, more international and less transparent, legal and compliance obligations also increase. European ESG legislation imposes increasingly strict requirements on the structuring, monitoring and documentation of the supply chain. Organisations must, among other things, have in-depth insight into the origin of raw materials, the structure of their supplier base and risk areas.

At MAAK, we look at the entire supply chain and bring structure to it. We identify due diligence and reporting obligations. In doing so, we map out where your organisation and your (sub-)suppliers would be well advised to lay down arrangements contractually. This ensures that your organisation is not only compliant, but also stays in control of legal and reputational risks throughout the entire value chain.

WHAT MAAK ADVISES, CONTRACTS OR LITIGATES ON

CONTRACTING & ESG

Negotiating, drafting and reviewing commercial contracts

- Purchase and sale agreements, general terms and conditions and supply contracts
- Manufacturing contracts, OEM agreements and co-manufacturing arrangements
- Cooperation agreements, such as distribution, agency, franchise and service level agreements (SLAs), and other long-term contracts
- Licence, assignment and coexistence agreements for trade marks, designs and copyrights
- IP clauses in development, manufacturing and OEM agreements: ownership of designs, tooling and know-how, and confidentiality

- International contracts and cross-border collaborations
- Governing law, choice of forum and dispute resolution (arbitration / court)
- Incoterms and risk allocation in the supply chain
- Vienna Sales Convention (CISG) in international contracting
- Liability clauses, indemnities and limitation of damages
- Warranties, conformity and non-conformity
- Force majeure and hardship clauses
- Contract management and lifecycle management
- Contract audits: review of existing agreements for risks, opportunities and optimisation
- Contract termination: termination by notice, rescission, exit strategies and damages claims

ESG AND SUPPLY CHAIN RESPONSIBILITY

- ESG contractual obligations, including the EUDR, Forced Labour Regulation, CSRD and CSDDD
- Sustainability clauses and supplier codes of conduct
- Supply chain due diligence obligations
- Transparency and reporting obligations within the value chain
- Origin of raw materials and traceability
- Risk assessments of suppliers and supply chain partners
- Audit rights and monitoring of compliance by contracting parties
- Remediation measures and corrective action plans for ESG risks
- Integration of ESG into procurement policies and contract standards

✔ Clear agreements prevent disputes or set out a defined course of action in the event of breach of contract, renewal or termination.

✔ Lay down ESG obligations contractually with your business partners.

✔ Specialists who proactively help you identify commercial opportunities in collaborations.

5. CIVIL LITIGATION

EFFECTIVE REPRESENTATION IN NATIONAL AND INTERNATIONAL DISPUTES

Our litigation team acts for both claimants and defendants. We represent the interests of your organisation before all Dutch courts at first instance and on appeal, and before national and international arbitral institutions such as the NAI, SIAC, ICC and LCIA. In IP cases, we litigate before courts including The Hague District Court, which has exclusive jurisdiction in the Netherlands over EU trade mark and EU design cases.

A SELECTION FROM OUR LITIGATION PRACTICE

CIVIL LITIGATION

- Contractual disputes: performance, rescission, suspension and damages
- Interpretation and enforcement of contractual provisions and general terms and conditions
- Disputes concerning the termination of long-term contracts (termination by notice, termination compensation and goodwill)
- Product safety disputes and product liability
- Disputes concerning distribution, agency and franchise agreements
- Debt collection and recovery proceedings, including attachment
- Preliminary relief proceedings (kort geding) in urgent commercial matters
- Evidentiary attachment and disclosure proceedings (access to documents)
- International commercial arbitration (including ICC, LCIA, NAI)
- Advice on and representation in alternative dispute resolution (ADR), such as mediation and binding advice
- Recognition and enforcement of foreign judgments and arbitral awards
- Disputes with regulators before the administrative courts
- Enforcement disputes (including administrative fines, orders subject to penalty payments, product bans)
- Proceedings concerning product recalls and market surveillance
- Greenwashing claims and enforcement through civil proceedings, preliminary relief proceedings or complaints to the regulator (such as the ACM, the Netherlands Authority for Consumers and Markets)
- ESG-related disputes within the supply chain, including claims for performance of due diligence and reporting obligations
- Disputes concerning non-conformity, warranties and hidden defects
- Liability issues within the (international) supply chain
- IP infringement proceedings in the fields of trade mark, design, copyright and trade name law, including proceedings against counterfeit products (see pillar 6)

A SELECTION FROM OUR LITIGATION PRACTICE

Proceedings require time and commitment. Together with you, we determine the best strategy for your case. The interests of your organisation are central to our (litigation) advice.

The most common steps in a dispute are conducting negotiations, initiating civil proceedings (including summary proceedings), or preparing a defence. Mediation or arbitration may also prove to be the most appropriate route.

Our lawyers are decisive, persuasive and strategic.

- MAAK represents you both before the Dutch courts and before (international) arbitral institutions.
- Together with you, we determine the most effective route to your goal, with an eye for suitable alternatives to litigation.

6. INTELLECTUAL PROPERTY LAW

PROTECTING AND ENFORCING YOUR TRADE MARKS, DESIGNS AND CREATIONS

Your trade marks, product designs and creations are often your organisation's most valuable assets. Counterfeit products, look-alikes and unauthorised use of your trade mark or design undermine not only your turnover and margins, but also your customers' confidence in the quality and safety of your products.

MAAK advises and litigates across the full spectrum of soft IP: trade mark law, design law, copyright and trade name law, as well as domain names, slavish imitation, trade secrets and misleading and unfair commercial practices (including misleading advertisements). We protect your rights under, inter alia, the Benelux Convention on Intellectual Property (BCIP), the EU Trade Mark Regulation, EU design Regulation, the Dutch Copyright Act, the Dutch Trade Name Act and the Dutch Trade Secrets Protection Act.

The core of our IP practice is enforcement and IP litigation. When your rights are infringed, we act swiftly and decisively: from cease-and-desist letters and preliminary relief proceedings to proceedings on the merits and appeals. We assist wit hand submit petitions on seizing evidence, stock, samples of infringing goods, we obtain injunctions on disclosure orders of the nature and extent of the infringement and we bring forward damage claims (including surrendering porfits). In doing so, we make use of the specific instruments of IP procedural law, such as the (near) full costs award under Article 1019h of the Dutch Code of Civil Procedure (DCCP). Naturally, we also advise organisations that are themselves accused of alleged infringement.

Counterfeiting has our particular attention. Counterfeit products not only infringe your copyright, trade

mark or design rights, but often also fail to comply with the applicable product legislation, such as CE marking requirements, REACH or the Toy Safety Regulation. This is precisely where MAAK stands out: our IP lawyers work closely with our compliance specialists. This allows us to combine civil infringement actions with customs enforcement under Regulation (EU) No 608/2013, notice-and-takedown request on online marketplaces under the Digital Services Act and, where appropriate, reports to regulators such as the NVWA, ILT and RDI. Our combined expertise allows us to initiate several strategies at once which can significantly improve your legal position.

WHAT MAAK ADVISES AND LITIGATES ON

PROCEEDINGS & ENFORCEMENT

- Infringement proceedings in the area of copyright, trade mark law, trade name law, design law, copyright and unfair competition.
- Preliminary relief proceedings for a swift injunction, including recall and destruction of infringing products
- Petitions for seizure of evidence, assets and disclosure of documents (Article 1019a et seq. DCCP)
- Look-alikes and slavish imitation of product design and packaging
- Claims for damages, surrender of profits and full reimbursement of legal costs (Article 1019h DCCP)
- ·pposition proceedings, invalidity and revocation proceedings before the BOIP (Benelux Office for Intellectual Property) and the EUIPO and the General Court
- Defence against infringement claims and unfounded cease-and-desist letters
- Disputes concerning licences, coexistence agreements and the ownership of IP rights
- Infringement of trade secrets and misuse of confidential and proprietary information
- Domain name disputes, including through WIPO's UDRP and the SIDN dispute resolution schemes
- Detection and enforcement against counterfeits in cooperation with investigation agencies and technical experts
- Applications for enforcement with Dutch Customs and handling of detained shipments (Regulation (EU) No 608/2013)
- Notice-and-takedown requests and orders on online marketplaces, platforms and social media
- Combining IP enforcement with reports of non-compliant or unsafe counterfeits to the NVWA, ILT and RDI
- Obtaining information on the origin, suppliers and customers of counterfeit products
- Cross-border actions against counterfeiting networks through our international networ

ADVICE & PROTECTION

- Filing, monitoring and management of trade mark and design portfolios (Benelux, EU and international) in collaboration with trade mark attorneys and trade mark agencies
- IP protection strategies during the design and development phase of products
- Clearance searches for trade marks and trade names prior to a market launch in collaboration witht trade mark attorneys and trade mark agencies
- Licence, assignment and coexistence agreements
- IP due diligence in acquisitions, mergers and investments
- Advice on advertising, comparative advertising and the Dutch Advertising Code, as well as self-regulatory codes

OUR APPROACH TO COUNTERFEITING AND INFRINGEMENT

In the event of an infringement, every day counts. The longer a counterfeit or look-alike remains on the market, the greater the damage to your turnover, brand value and reputation. Our specialists therefore immediately assess your legal position, secure the evidence and determine the most effective route together with you.

Sometimes a forceful cease-and-desist letter is sufficient; sometimes preliminary relief proceedings or a seizure order is the appropriate course of action. Where possible, we seek a swift and cost-efficient settlement; where necessary, we litigate vigorously. Throughout, your commercial interests remain paramount.

- ✔ Swift and decisive action against counterfeiting protects your turnover, brand value and reputation.
- ✔ MAAK combines IP litigation with knowledge of product regulation and supervision: multiple enforcement routes, one team.
- ✔ A properly registered and monitored IP portfolio is the foundation for effective enforcement.

7. LOGISTICS, INDUSTRY & TRADE

INTERNATIONAL TRADING ENVIRONMENT

International trade and transport entail complex legal risks. Delays, cargo damage, loss of goods and liability disputes can directly disrupt your supply chain.

MAAK supports companies in managing these risks, contractually allocating responsibilities and acting effectively in transport and trade disputes, so that your flow of goods remains legally and operationally manageable.

A SELECTION FROM OUR INTERNATIONAL TRADE PRACTICE

LOGISTICS, INDUSTRY & INTERNATIONAL TRADE

- Transport claims: damage, loss and delay of goods (road, sea, air and multimodal transport)
- CMR disputes: carrier liability, limitation of liability and evidentiary issues
- Drafting and reviewing contracts of carriage and logistics contracts
- (International) trade and supply contracts, including risk allocation and liability clauses
- Incoterms and the allocation of risks and responsibilities in the supply chain
- Disputes between shippers, carriers, freight forwarders and insurers
- Insurance matters, including coverage and recourse in respect of transport damage
- Evidence in transport claims (documentation, consignment notes, expert reports)
- Liability issues in complex supply chains and in multimodal transport
- Court and arbitration proceedings in national and international transport and trade disputes
- Advice on European and international trade legislation for manufacturers and importers
- Border measures against counterfeit goods: customs enforcement, detention of shipments (including goods in transit) and coordination with carriers and freight forwarders

✔ Clear arrangements on risk, liability and delivery under Incoterms and the CMR Convention reduce international transport disputes.

✔ In the event of international claims or delays, a strategic approach ensures that your flow of goods and commercial interests remain protected worldwide.

WHY DO ORGANISATIONS CHOOSE MAAK?

IMPACT THROUGH EXPERTISE

Our specialists focus on the core business of your company. Thanks to our focus on players in the manufacturing chain and the challenges they face, we are able to provide high-quality advice and litigation on product regulation, intellectual property, contracts and disputes.

INTEGRATED APPROACH

Our seven pillars together form one integrated service. We see connections and also apply our knowledge across disciplines. For example, in commercial contracts we also benefit from our knowledge of product regulation and intellectual property, and in proceedings we know how to explain complex rules clearly.

PROACTIVE APPROACH

We do not merely respond to legal questions, but proactively think ahead on behalf of our clients. We closely monitor (European) developments and anticipate new rules. This allows us to help prevent problems rather than resolve them after the fact.

PERSONAL COMMITMENT

Our specialists have a strong reputation in their field. Whatever your question, you will be in direct contact with an experienced lawyer specialising in your matter. We distinguish ourselves through prompt and effective communication, clear advice and an accessible approach.

LASTING RELATIONSHIPS

The vast majority of our clients choose us again. We have been working for many reputable companies for years. That loyalty stems from our curiosity about our clients' business, our clear communication and our measurable results.

INTERNATIONAL NETWORK

Our firm has a strong international network. This enables us to liaise directly with colleagues abroad whenever a cross-border issue arises.

CONTACT DETAILS

MAAK Advocaten NV
Kraanspoor 34
1033 SE Amsterdam
The Netherlands

T: +31 (0)20 210 31 38
E: mail@maakadvocaten.nl
W: www.maakadvocaten.nl

CONTACT & INTRODUCTION

Do you have a legal question or would you like advice on an (impending) matter? We invite you to contact us without obligation.

Our specialised lawyers in Amsterdam will be happy to speak with you and offer you a free introductory meeting to discuss your situation and the possible approach.

SCHEDULE AN APPOINTMENT

You can reach us by telephone at +31 (0)20 210 31 38 for direct contact with one of our specialists. You can also send an email to mail@maakadvocaten.nl. We aim to respond to your message within one working day.

Via our website www.maakadvocaten.nl, you can stay informed of current legal developments. You can also sign up on the website for our newsletter, in which we share recent news and insights.

MAAK ADVOCATEN

SPECIALISED IN THE MANUFACTURING INDUSTRY.
BASED IN AMSTERDAM.