

Audience Briefing Note

Mock Mediation: *MENTIVEN* vs. *MENTIWELL*

ECTA Annual Conference 2026 – Dublin

Wednesday, 17 June 2026 | 4:00 p.m. – 6:00 p.m.

1. Introduction

As mediation is increasingly used in IP disputes, particularly following the establishment of the EUIPO Mediation Centre, it is important for legal representatives to become familiar with mediation and the role they can play in representing their clients throughout the process.

This live mock mediation session will offer participants the opportunity to observe how mediation may be used to resolve complex cross-border trade mark disputes involving parallel proceedings before the EUIPO and national courts.

The session will be of particular interest to IP practitioners who wish to gain practical insight into mediation techniques, negotiation dynamics and the strategic management of cross-border trade mark disputes. It will also offer valuable perspectives on flexible and business-oriented approaches to dispute resolution alongside traditional litigation and administrative proceedings.

Whether you are already familiar with mediation or discovering it for the first time, this workshop promises to be practical, interactive and highly engaging.

2. Overview of the dispute

The mock mediation case presented during the workshop concerns a dispute between:

- **ItalPharma S.p.A.**, an Italian pharmaceutical company marketing the food supplement **MENTIVEN**, and
- **MENTIWELL Ltd.**, an Irish start-up company developing and commercialising natural vitamin-based food supplements under the sign **MENTIWELL**.

The dispute involves:

- European Union Trade Mark opposition proceedings,
- revocation proceedings for non-use before the EUIPO,
- and interim proceedings before the Italian courts.

The parties disagree on:

- the similarity of the trade marks,
- the scope of trade mark protection,
- coexistence on the market,
- and expansion into key European markets.

3. Participants in the Mock Mediation

The session will be co-moderated and co-narrated by **Judit Lantos**, Chair of the ECTA Mediation Committee, and **Sven Stürmann**, President of the Boards of Appeal at the EUIPO. They will also guide the audience through the different stages of the mediation process.

The mediator will be **Alexandra Crawcour**, a leading mediator at the EUIPO Mediation Centre.

The parties will be represented by:

- **Amanda Zahringer** (APTMA), acting as Head of Sales, and **Ivett Paulovics** (ECTA), acting as Legal Counsel, on behalf of ItalPharma, producer of MENTIVEN; and
- **Carol Gormley** (APTMA), acting as CEO, and **Sean Cummings** (APTMA), acting as In-House Counsel, on behalf of MENTIWELL.

4. Facts of the case

Party 1: ItalPharma S.p.A.

ItalPharma is an Italian pharmaceutical company headquartered in Milan. Among its products is MENTIVEN, a food supplement combining beauty and cognitive benefits, sold through pharmacies and parapharmacies.

ItalPharma owns the EU word trade mark MENTIVEN, registered in 2007 for the following goods:

Class 3: Cosmetics.

Class 5: Food supplements; Dietary supplements.

Party 2: MENTIWELL Ltd.

MENTIWELL is an Irish start-up company founded in 2023, developing natural vitamin-based food supplements designed to support concentration and cognitive performance. Its products are sold in Ireland through health shops and online under the name MENTIWELL.

In February 2025, MENTIWELL filed an application for the EU word trade mark MENTIWELL in Class 5 for the following goods:

Class 5: Food supplements; Dietary supplements; Vitamins and vitamin preparations.

5. Procedures between the parties

a. EUIPO opposition proceedings

In May 2025, ItalPharma filed an opposition before the EUIPO against the MENTIWELL trade mark application based on its earlier MENTIVEN trade mark.

ItalPharma argues that the two signs are confusingly similar and cover identical or highly similar goods. MENTIWELL contests the opposition, maintaining that the signs and market positioning of the products are sufficiently different.

During the proceedings, MENTIWELL requested proof of genuine use of ItalPharma's earlier trade mark.

b. EUIPO revocation proceedings for non-use

In January 2026, MENTIWELL initiated revocation proceedings before the EUIPO seeking partial revocation of the MENTIVEN trade mark for cosmetics, alleging lack of genuine use for those goods.

ItalPharma disputes the revocation request and maintains that the cosmetics-related protection remains strategically important for its business expansion.

c. Interim proceedings in Italy

In March 2026, ItalPharma initiated interim proceedings before the court in Milan seeking to prevent MENTIWELL from entering the Italian market under the sign MENTIWELL.

MENTIWELL contests the request and argues that the proceedings are being used to block a legitimate competitor from entering the market.

6. International dimension and procedural context

The dispute has developed into parallel proceedings at both EU and national level involving overlapping issues relating to trade mark protection, proof of use and market expansion.

Italy is a strategically important market for both parties, contributing to increased commercial pressure, legal complexity and timing uncertainty across multiple jurisdictions.

Against this background, the dispute presents a particularly suitable framework for exploring mediation as a business-oriented dispute resolution tool.

7. Essence of the Workshop

During the session, participants will observe:

- opening statements,
- confidential separate meetings (i.e. caucuses),
- negotiation dynamics,
- the role and importance of legal counsel during mediation,
- and the techniques used by mediators to help parties move from positions towards interests and potential solutions.

The mediation will evolve progressively throughout the session, with additional facts and strategic considerations emerging during the discussions themselves, allowing participants to experience the dynamics of the mediation process in real time.

Join us in Dublin and experience mediation in action.