

An international group of Handpan Builders and Merchants (HCU) vs. PANArt – a chronological sequence of events [HCU is suing PANArt]

Last update: 09.12.2024

15.9.2020

The legal situation of handpans in general becomes clearly more than questionable due to a [German court decision](#) (PDF, ca. 50 pages, concerns copyright, applied arts).

Subsequent note: The defendant is at the time only unofficially widely known. The defendant also makes public statements on Facebook. The trader sells mainly imported handpans in Germany under several domain names and engages in extensive marketing on numerous channels.

Note: The judgment is not final (*on appeal*).

4.9.2020

A letter from Dr. Achong (PDF) (Engl. <http://www.hangblog.org/wp-content/uploads/Statement-A.-Achong.pdf>) / (German, <http://www.hangblog.org/wp-content/uploads/Achong-deutsch.pdf>), published by PANArt as an expert opinion, states that any external shape is conceivable and that the lens shape is an aesthetic decision.

18.9.2020

The “Handpan Community United” (HCU) is founded: www.hcu.global



20.9.2020

The death of renowned steelpan researcher, physicist and universal genius Dr. Anthony Achong (8/25/1946 – 6/29/2020) is announced (RIP

, <https://www.panonthenet.com/news/2020/sep/anthony-achong-passing.htm>).

Note: The WST Forum has an old post (2016) by Dr. Achong on the subject of “Hang” (“Dr. Anthony Achong Comments on the Pan-Hang Argument”

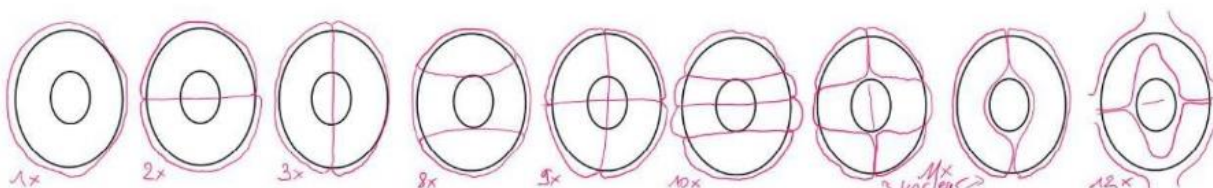
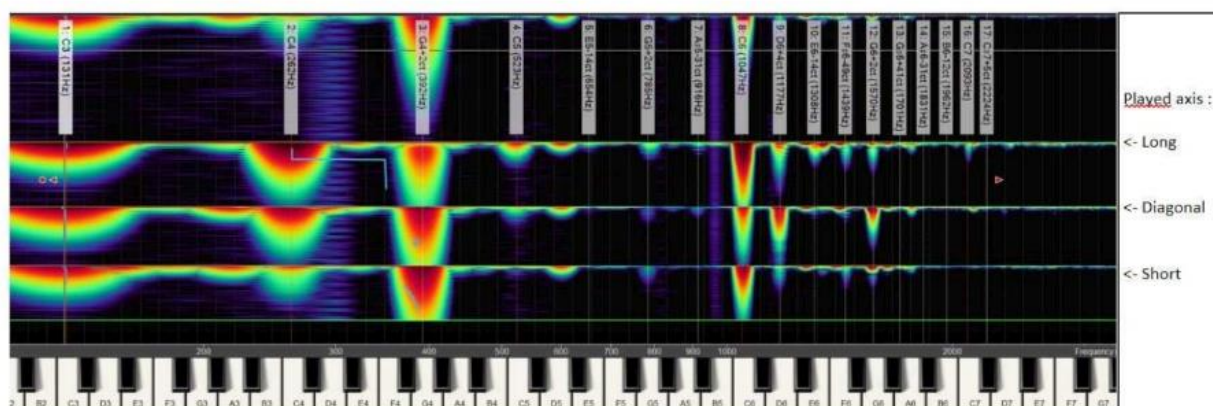
, <https://whensteeltalks.ning.com/profiles/blogs/dr-anthony-achong-comments-on-the-pan-hang-argument>)

22.9.2020

“Open letter to the steeltuning community” (English) (PDF), published on the Facebook group “Handpan Instruments” (12k members) on 9/22, created in collaboration of independent handpan manufacturers*, originally addressed directly to Dr. Achong. Because of the passing away of Dr. Achong now published without further delay and now addressed to the steeltuning community. However, all arguments and raised questions remain unanswered. The formally scientifically held contribution is torn by the half-official PANArt speaker Frank storm, on Facebook publicly in the air. Not a single argument is addressed (<https://www.facebook.com/groups/1420146368215788/permalink/2847134405516970>).

Shellopan fablab - C3 spectrogram and Chladni patterns

1:2:3+8:9:10:11:12 tuning style (other notes are damped during this measurement)



A Spanish translation of the Open Letter /at www.handpan.es appears shortly thereafter. (<https://handpan.es/pan-freak/documentos-tecnicos/traduccion-carta-abierta-a-la-comunidad-del-acero-afinado-por-varios-makers-europeos-en-respuesta-al-alegato-de-panart-en-el-juicio>)

24.9.2020

PANArt publishes in the article “The History of PANArt” (<https://panart.ch/de/geschichte/die-geschichte-der-panart>) the sentence “The District Courts of Düsseldorf, Berlin and Hamburg issue preliminary injunctions against producers of Handpans. They have, in Hamburg after oral hearing, judged the Hang sculpture to be protected by copyright.”

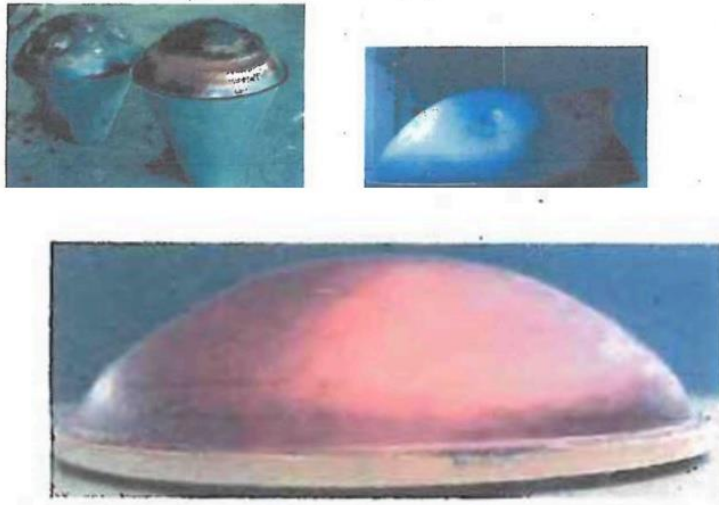
However, as far as is known, these actions were actually directed against dealers and resellers and not against manufacturers. Details about the first two hearings are also not coming out to the public.

30.9.2020

Musician duo Yatao addresses the threat (“The handpan should be banned”) at a concert in Berlin (<https://youtu.be/kyjgqs0BkA?t=3175>). The Yatao Shop (<https://yataoshop.com>) offers at the moment no more Handpans for sale because of an injunction by PANArt AG.

02.10.2020

“The evolution of the handpan as a musical instrument” (English, <https://soulshine-sounds.com/wp-content/uploads/2020/10/The-Evolution-of-the-handpan-as-musical-instrument.pdf>) (PDF) published on the blog of the handpan manufacturer “Soulshine”: technical considerations of a manufacturer in response to the court decision Hamburg. The arguments remain unanswered as far as known.



These pictured proposed shapes stand by far the strongest of all in Panart’s argumentation. The functionality of the pan face on the top shell is not severely compromised by these ways of clamping the top shell, as long as they still allow the whole resonance body to act similar to a Helmholtz resonator.

05.10.2020

The **court decision in Hamburg is not legally binding** (the defendant retailer “World of Handpans” is appealing – with the support of HCU).

07.10.2020

Newsletter of the HCU (*Handpan Community United*, <https://hcu.global/newsletter-7th-october/>) is sent out.

8.10.2020

An article about PANArt writes, mutatis mutandis: the small family business has to fight against industrially produced copies.

“Le hang bernois se vend aux quatre coins du monde” (frz) (<https://www.terrenature.ch/43591-2/>)

Discussion (shitstorm) about this on the Terre Nature FB page (<https://www.facebook.com/terreetnature/posts/10159069858429114>)

Le hang bernois se vend aux quatre coins du monde

Depuis trente ans, Felix Rohner et Sabina Schärer créent des instruments au son unique. Si le plus célèbre, le hang sculpture, est désormais copié à l'étranger, le couple lutte pour perpétuer cet artisanat en famille.



12.10.2020

Fundraising campaign to finance lawyers of “Handpan Community United (HCU)” is launched (#savethehandpan) (<https://www.gofundme.com/f/bf7f6-save-the-handpan-help-handpan-community-united>)

18.10.2020

Numerous Handpan-related newsletters worldwide have now been sent out with the appeal for donations. The fundraising campaign has reached over €88,000 so far. Blogposts, videos, calls at concerts, comments etc.etc. are coming up, which basically reflect the call for donations under the motto #savethehandpan.

27.10.2020

HCU Crowdfunding reaches €100.000

Russian supplier RAV releases a statement: “As of today, RAV Pans are not for sale for an indefinite period of time due to legal reasons and a decision of the Berlin court. The RAV Vast reed drums are available for purchase as always.

The reason for the ban of the RAV Pans is a copyright lawsuit by PANArt, which claims that the RAV Pans, which have a similar shape to the Hang®, are illegal

copies (<https://www.facebook.com/ravdrum/photos/a.1510040669069940/4421305344610110/>).

“For more than 20 years, the handpan has gained more than 50 thousand fans and followers all over the world. A new musical culture grew up and brought together many people from different countries. There are more than 200 manufacturers of handpans and similar instruments in the world today, and unfortunately, most of them may be “outlawed” in the near future. Sorry to say that, but we are forced to make a decision to suspend the sale and production of instruments for an indefinite period. For our part, we will make every effort to resolve this situation as soon as possible.”

Subsequent note: As it turned out later, the aforementioned Rav-pans continue to be sold outside Germany.

29.10.2020

PANArt updated their FAQ article eg: For which territories does PANArt claim a copyright on the Hang®? (https://panart.ch/en/articles/urheberrecht-fragen-und-antworten?fbclid=IwAR1E0bCP8qOkINNQTKhmPkBVTpRjaz9nAfXCuJqIFb8XOvQ4PPXoAt-2L_0)

Frank Sturm posting and discussion (Shitstorm) on

FB (<https://www.facebook.com/groups/1420146368215788/permalink/2881301718766905/>)

30.10.2020

HCU Newsletter (<https://hcu.global/newsletter-30th-october/>)

Court Ruling Berlin published (<https://hcu.global/berlin-court-ruling/>)

Letter to “Ayasa” (shell vendor) published (engl) (<https://hcu.global/letter-to-ayasa-instruments/>)

14.11.2020

Video: Statement HCU Speaker at “HangOutUK Live November 14th 2020” (<https://www.youtube.com/watch?v=NP2pLSsjzCU&start=1292>)

15.12.2020

Some attentive observers think to notice **small changes on the panart.ch FAQ article**.

In addition, the Youtube video by Frank Sturm: “Felix Rohner is building a Handpan” might have been deleted some time ago (date unknown).

17.12.2020

Apparently the whole Swiss Handpan scene, with probably one exception, gets a lawyer’s letter with the threat of legal proceedings, if the work with Handpans is not stopped until a concrete deadline (unknown). As far as known, Handpan manufacturers with earlier Mutual Agreement do not receive such a letter.

instrument. They further attempted to develop the bass in the cavity resonance and to use a plug to make a membrane in the instrument vibrate (prototype 3).

- c) This attempt also failed. The Applicants then put the resonance hole back on the bottom side of the instrument, as the **prototype 4** shows.



Newsletter of the HCU (<https://hcu.global/newsletter-21st-december-2020/>)

Protection letter of HCU lawyers (Bird & Bird) is published (German <https://hcu.global/wp-content/uploads/2020/12/Protective-Brief-DE.pdf> / English <https://hcu.global/wp-content/uploads/2020/12/Protective-Brief-EN.pdf>). It seems that previously intimidated German handpan dealers and manufacturers are now resuming their work in Germany as normal. It also seems that hardly any of the big commerce portals want to do without the keywords “Hang” (legally protected term by PANArt) or “Hangdrum” (known to be infringing by PANArt, as such instruments are not meant to be played like a drum) (also affects “World of Handpans” – the dealer from the Hamburg court decision in 2020).

15.01.2021

PANArt publishes a new article (<https://panart.ch/de/geschichte/rechtsstreitigkeiten-um-das-hang>) in which they again refer to their human right of copyright. Just a quote from it: *“Even though I would prefer the out-of-court way, I welcome the discussion now in court about whether the work of Sabina Schärer and me enjoys legal protection against replicas or whether our work may be expropriated, as has happened in the recent past with works in socialist and dictatorial systems.”*

16.01.2021

American handpan maker Colin Foulke, in his role as HCU spokesman, tells of the latest developments in this video (https://youtu.be/7_vLQTG7IQI?t=2180). The threatened Swiss handpan makers have banded together in response to the Christmas lawyer threat letters and have filed a counterclaim (revised 3/17/21. Correct word:) “declaratory judgment action” under the protective umbrella of HCU. At this time it is unclear which Makers-including those outside of Switzerland-have received further lawyer letters threatening legal action if the work is not stopped. (The presumption is therefore that the “out-of-court route” cited above means shutting down without a fight). The attorney letters allow a short grace period until a date (unknown) by which production must be permanently stopped.

23.01.2021

Colin Foulke, HCU spokesperson, speaks, “HangOutUK January Live Show 16th January 8pm UK GMT” (https://www.youtube.com/watch?v=7_vLQTG7IQI&start=2180)

29.01.2021

HCU Newsletter – Counter-complaint brought by HCU (Bird & Bird) in Bern.: <https://hcu.global/newsletter-january-2021/>

Numerous Swiss handpan manufacturers and dealers received letters from PANArt’s lawfirm

Two new lawsuits filed by HCU at the court in Bern

Further funding required

“The goal of this lawsuit is to clarify once and for all that PANArt and its shareholders have no copyright in their instruments, and more importantly, that they have no claims against anyone else who makes, sells or plays Handpans. We are confident that the court in Bern will come to the right conclusion and find that there is no copyright and that PANArt’s claims are unjustified.”

10.02.2021

Statement by Felix Rohner (PANArt) is published on Facebook (but remains “hidden” on the PANART website). The English and the German version differ at a striking point in the question whether producers or musicians should feel more threatened.

Englisch: <https://panart.ch/en/eintrag/forumtext-de>

Deutsch: <https://panart.ch/de/eintrag/forumtext-de>

19.02.2021

Colin Foulke speaks again about his role as HCU spokesperson, among other things: <https://youtu.be/VlaZU0-7BUg?t=1079>

17.03.2021

We don’t know since when it’s been like this, but someone noticed it on 3/17/2021. The “Yatao Shop” in Germany has translated its website to English and currently sells Handpans only abroad “Unfortunately, we are currently not allowed to sell or offer Handpans in Germany. We are working on a solution(...)” . To this clearly in contrast:

With the Google- Keyword “Yatao Shop” you can find (at least if you search from Austria) the Google Adwords ad from the domain handpan.world (“World of Handpans”, see court order above). Germany is supplied normally.

10.05.2021

Seizure at “Ayasa” (dated 4/28/2021) becomes known.

PANArt updated FAQ post (at the very bottom, screenshot).

English: <https://panart.ch/en/articles/copyright-questions-and-answers>

German: <https://panart.ch/de/artikel/urheberrecht-fragen-und-antworten>

Copyright: Questions and Answers

Categories: News, Articles | Author: PANArt | 31st October 2020

The Hang®, created by Sabina Schärer and Felix Rohner in 2000, and produced and distributed by PANArt Hangbau AG, Bern, Switzerland, is protected by copyright.



© Copyright 2000, Sabina Schärer und Felix Rohner

11.05.2021

Handpan musician Benny Bettane posts

publicly (<https://www.facebook.com/789078974/videos/10161117888293975/>) on FB that he is saddened that a seizure has occurred at Ayasa (“Panart has seized Ayasa instruments and some of the equipment, in an attempt to take them down.”). Benny also talks about his time with steelpan legend *Ellie Manette*: *“When I first started to play handpan, I had the honor of living in Morgantown West Virginia, spending nearly every day for 3 months with Ellie Mannette (Father of the modern-day steelpan, RIP) I was blessed to hear so many powerful and inspiring stories about the steel drum history, these stories blew my mind, I also heard a lot of things about Felix causing problems in that world too. It seems that he has always been a trouble maker.”*

19.05.2021

The **continuing flow of posts on social media on the subject of the seizure at “Ayasa”** includes -as far as perceived- essentially widespread incomprehension, appeals for donations, openly dismayed letters to PANArt, calls for letter-writing campaigns, and a lot of spiteful cartoons and shitstorms.

The HCU crowdfunding campaign #savethehandpan reaches 142.000€.

For the live broadcast from the festival “HANGOUT UK” on 22.5.2021 is announced: **“Colin Foulke will be giving an important HCU UPDATE”** (<https://youtu.be/TZ1htR0moxq?t=1645>).

A recent HCU newsletter is published- focusing on the “Ayasa” seizure. (<https://hcu.global/newsletter-may-2021/>)

The “Claims” (PDF, <https://hcu.global/wp-content/uploads/2021/05/Translated-claims-against-Ayasa-Instruments.pdf>) state that the Hang “...enjoys copyright protection in the Member States of the European Union, at least in the Netherlands.”

“Ayasa” is also to pay for the destruction of the confiscated handpan instruments.

About the declaratory action in Bern, the HCU newsletter also says: *“Last week PANArt’s deadline to submit their statement of defense to the court of Bern expired. We have not received this brief yet which will contain PANArt’s counter-arguments.”*

20.05.2021

HCU reaches 147.000€.

30.06.2021

WDR Radio report: "Wertarbeit oder Trash? Streit um Handtrommel vor Gericht"

<https://www1.wdr.de/mediathek/audio/wdr5/wdr5-scala-hintergrund/audio-wertarbeit-oder-trash-streit-um-handtrommel-vor-gericht-100.html>

12.08.2021

Crowdsourcing Handpan History Timeline Projekt (engl)

<https://handpan-timeline.org>



08.10.2021

Bloomberg Artikel "They Invented The Must-Have Instrument For The Burning Man Set. Now They Want To Kill It Off " (<https://www.bloomberg.com/news/features/2021-10-08/the-handpan-s-creators-want-to-keep-their-invention-pure-it-may-not-survive>)

13.10.2021

Online Panel Discussion With HCU Legal Representative Richard Dissmann.



<https://fb.watch/8DiXu4xY6p/>

Colin Foulke, David Kuckhermann, and HCU legal representative Richard Dissmann for a panel discussion about Handpan Community United and their efforts to defend the handpan artform.

29.10.2021

PANArt publishes some history bits. Story told by Felix Rohner

<https://panart.ch/en/video/45-jahre-mit-dem-hammer-unterwegs-felix-rohner-tuner-erzahlt>

5.11.2021

PANArt: Turn The World Around – A Peaceful Fight.

“... I see plagiarism of grave embarrassment!

Yes, we are in a fight...”

“...I speak, I play gu and ding, I sing...” (Rohner)

PANArt , Felix Rohner

<https://panart.ch/en/video/turn-the-world-around>

29.07.2022



HCU Newsletter: July 2022 – Table of contents:

Berne Copyright Proceedings Update

Dutch Copyright Proceedings Update

Patent Proceedings – A historic dispute now put to rest

URGENT call for Donations to be able to proceed + Upcoming Instrument Lotteries and Call for Donations

Newsletter: <https://hcu.global/newsletter-july-2022/>

17.10.2022

PANArt: Copyright: Update October 2022

“...we hope for a final decision regarding the copyright protection of the HANG in 2023.”

<https://panart.ch/en/articles/update-october-2022>

12.04.2023

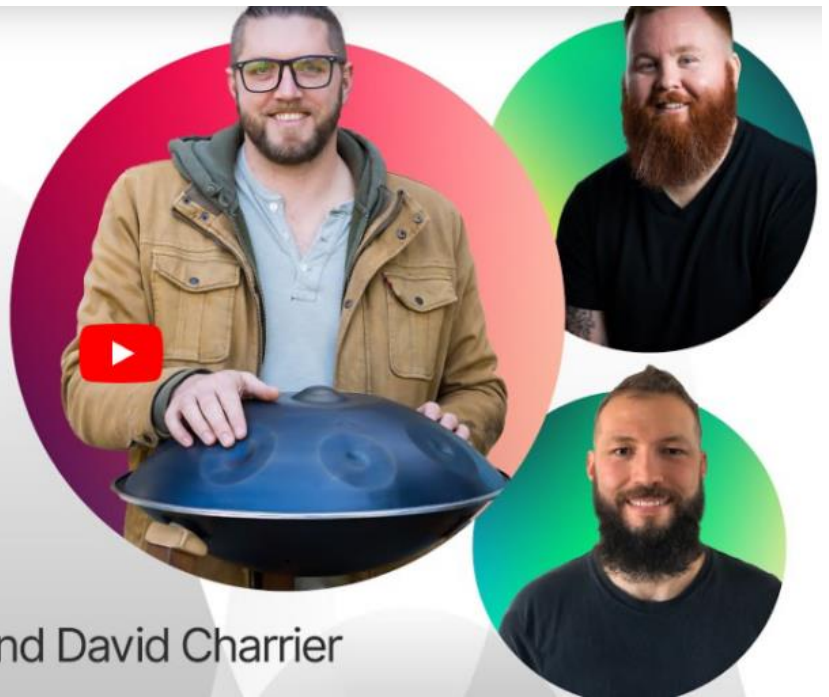
The Handpan Show: Episode 01 – Building And Defending The Handpan – With Colin Foulk

EPISODE 01

Building and defending the handpan

With Colin Foulke

Hosted by Dan Mulqueen and David Charrier



<https://www.xenithhandpans.com/blog/the-handpan-show>

21.08.2023

The official schedule of hearings of the Commercial Court of Bern is published on the website of the Commercial Court of the Canton of Bern –

> <https://www.zsg.justice.be.ch/de/start/dienstleistungen/oeffentliche-verhandlungen.html>



It is pointed out that although the hearing is held in public, the audience seats are very limited.

“Only persons who have prior WRITTEN AUTHORIZATION from the Commercial Court will be admitted to the courtroom”.

as far as is known, all possible access permits (4) have already been issued.

20/21.09.2023

Official main hearing days for copyright – PANArt vs. an international group of Handpan Builders and Merchants (mostly Swiss and Germans, one from the Netherlands), HG20117 –

main hearing in limited proceedings, at the Bern High Court from 8:30am each day.
A ruling by the Bernese court is expected in spring 2024.....

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Verhandlungsplan
Plan des audiences

Bern, 21.08.2023

Verhandlungsplan Obergericht des Kantons Bern, Zivilabteilung, September 2023
Plan des audiences de la Cour suprême du canton de Berne, Section civile, septembre 2023



Datum / Zeit / Dauer / Saal* / Geschäftsnummer	Verfahrensgegenstand	Kammer / Vorsitz / Gerichtsschreiber/in
Date / Heure / Durée / Salle* / N° du cas	Objet de la procédure	Chambre / Président/e du Tribunal / Greffier/-ère
21. September 2023 08:30 Uhr Saal 22 HG 20 117	Urheberrecht Hauptverhandlung im beschränkten Verfahren Die Zuschauerplätze sind begrenzt. Interessierte Personen haben sich beim Handelsgericht des Kantons Bern vorgängig anzumelden. In den Gerichtssaal eingelassen werden nur Personen, die über eine vorgängige schriftliche Zutrittsbewilligung des Handelsgerichts verfügen.	Handelsgericht Oberrichter Schlup Gerichtsschreiber Blatter
22. September 2023 08:30 Uhr	Urheberrecht Hauptverhandlung im beschränkten Verfahren	Handelsgericht Oberrichter Schlup

* The **first decision of the proceedings** will only deal with the copyright of the Hang, and not whether the handpans of the plaintiffs infringe this potential right.

* The scope of the possibly awarded protection would be determinative, but this would only be negotiated in a **second step**. The scope of protection is determined by the evaluation of the so-called *“Threshold of Originality”* (https://en.wikipedia.org/wiki/Threshold_of_originality).

* For the international group of handpan manufacturers and dealers involved in the proceedings, it is crucial in the first step that if a copyright is awarded, the scope of protection is kept “narrow”. In the best case, only exact copies would not be allowed.....



21.09.2023

During the hearing in Bern, **PANArt** made an offer in the settlement negotiations between the parties in dispute, which the Swiss judges had been seeking. This offer (*forming the 'Ding' as an impex, i.e. an indentation*) was rejected by the **HCU**. The hearing and proceedings have been closed. The **judgment** is expected in summer 2024.

09.2024

"Handpan.World" – a successful German handpan wholesaler and at the same time **the main instigator of the legal dispute** on the subject of "intellectual property" and "applied art" (see: 15.9.2020 –

*The legal situation of handpans in general becomes clearly more than questionable due to a **German court decision** ... at **part1 of this summary**) files a motion with the lawyers of the HCU (**Bird&Bird**) to cancel the **HANG®** trademark in court. In a **statement**, the HCU claims to have had nothing to do with this application and to have known nothing about it in advance. The application was signed by the **same HCU lawyers** who brought the lawsuits against PANArt in Bern !?*

*<<Recently there has been an application for cancellation of PANArt's brand by **Emanuel Eitle of World of Handpans**. HCU is not involved in this action and we do not condone or support it....>>*

02.2024

PANArt is surprised about this new attack and publishes a short statement about this **attack on the protected trademark Hang®**:

<https://panart.ch/en/articles/%C3%BCberraschender-angriff-auf-die-marke-hang>

02.07.2024

The **Higher Court in Bern publishes the judgment of the hearing and confirms that the Hang® is clearly a work of applied art, and thus a protected work.** The lawsuit brought by the HCU is dismissed and explained in a 95-page statement by the Swiss judge. The payment of the legal costs are imposed on the community of plaintiffs around the HCU.

PANArt publishes a statement (07.07.2024) on the judgment:

<https://panart.ch/en/articles/das-hang-ist-ein-werk-der-angewandten-kunst-die-entscheidung-des-obergerichts-des-kantons-bern>

09.07.2024

The HCU publishes a short statement on the verdict, is positive about the outcome and announces that it will **need more money to continue its legal action against PANArt** – but without quoting or publishing the verdict.

<https://mailchi.mp/417e09293f4d/hcu-newsletter-july-2023-next-court-dates-confirmed-6435674?e=f33506e107>

16.07.2024

PANArt publishes the verdict of Bern in full. The 95-page verdict is described and explained in all detail.

<<Protected design features: (i) basic lenticular shape consisting of two synclastic spherical segments, (ii) central dome, (iii) opposing sound hole and (iv) circular tone fields on the upper spherical segment. The corresponding claims of the plaintiffs must therefore be rejected.>>

<https://panart.ch/en/articles/das-hang-ist-ein-werk-der-angewandten-kunst-die-entscheidung-des-obergerichts-des-kantons-bern>

29.07.2024

HCU publishes two further statements about “*LEGAL ADVICE FOR HANDPAN BUILDERS: UNDERSTANDING THE PANART COPYRIGHT LAWSUIT*” and “*HCU STATEMENT REGARDING SETTLEMENT WITH PANART*”

https://mailchi.mp/hcu/legal_issues_settlement_talks?e=fdb7ca1a84

17.09.2024

PANArt sends letters to handpan manufacturers and dealers, pointing out the alleged consequences of the Bern ruling. As far as known, only a few of the recipients of this letter respond to PANArt.

[Letter to the Handpan Manufactures and Dealers](#)

03.10.2024

The HCU announces that it will file an appeal against the judgment in Bern (*the Hang® is a protected work of applied art*) at the Swiss Supreme Court and states in a newsletter that the letters sent by PANArt spread untruths.

The HCU decides to file an injunction (*for 'threat' and assertion of false facts*) against PANArt because of this letter and requests cooperation.

[HCU Newsletter October 2024](#)

10.10.2024

PANArt reacts to the newsletter of the HCU: <<Finally, the HCU has raised allegations regarding an e-mail in which we informed handpan distributors and makers in Europe about the Bern ruling. We are pleased that the Bernese judges have recognized our work, and we see it as our right to inform people about this copyright recognition....>>

<https://panart.ch/en/news/stellungnahme-zum-hcu-newsletter-vom-oktober-2024>

10.10.2024

PANArt publishes that the application for cancellation of the Hang brand has been rejected. <<...The applicant, Mr Emanuel Eitle (owner of Handpan.world), was represented by Mr Dissmann (Bird & Bird, lawyer for the Handpan Community United). Fortunately, after a thorough examination, the office rejected the application for cancellation for the goods relevant to us. Our 'Hang' brand has emerged strengthened from this...>>

<https://panart.ch/en/news/erfolgreiche-verteidigung-der-marke-hang>

09.10.2024

AYASA, the Dutch handpan and largest handpan raw shell manufacturer, together with the HCU lawyers from Bird&Bird, are **filing an 'application for a temporary injunction' against Felix Rohner** (part of PANArt) with the Düsseldorf District Court for unfair competition.

The District Court of Düsseldorf refers 'Bird&Bird' to the jurisdiction of the Higher Regional Court of Cologne – where the case will also be heard.

29.11.2024

In Cologne, the injunction filed by HCU against PANArt/Felix Rohner will be heard.

The official verdict is expected on December 20, 2024. It is very likely that the injunction filed by the HCU will be rejected in its entirety...

The Swiss Federal Supreme Court in Lausanne is expected to announce its **final decision on the HCU's appeal against the Bern ruling in the summer of 2025**. Since the Supreme Court usually only examines the formal errors in the judgment-rendering process when hearing complaints about judgments, it seems extremely unlikely that the Bern judgment will be changed in any way.

LINKS:

Handpan Timeline – <https://handpan-timeline.org>

PANArt – <https://panart.ch>

HCU – <https://hcu.global>