

Wanhuida Wins CBLJ 2022 Deals of the Year Award

Time: Feb 09
2023

On 9th February 2023, Hong Kong-based legal magazine *China Business Law Journal* (CBLJ) releases the winners of its "Deals of the Year Award 2022".

Three deals of Wanhuida Intellectual Property are selected to be included in the section of "DISPUTES AND INVESTIGATIONS" by the magazine. The firm has been a winner of the magazine's "Deals of the Year" awards since 2012.

In the winning deal (Deal #04) "*Blahnik wins long copycat TM battle*", Wanhuida represented Mr. Manolo Blahnik in successfully invalidating through retrial proceeding the registration of trademark "MANOLO&BLAHNIK马诺罗·贝丽嘉" filed by a Chinese squatter in class 25 in 1999, based on the designer's name right and the bad faith of the registrant. The case almost exhausted every available remedial route, including opposition, review of opposition and two instances of administrative suits, invalidation and the ensuing administrative suits, which all failed. The retrial decision turned the table for the client in its decades-long battle against the copycat trademark. The firm represented Manolo Blahnik before the Supreme People's Court (SPC), while DLA Piper acted as the exclusive adviser to the shoe designer.

In the winning deal (Deal #26) "*'Milan' acquires secondary TM meaning*", Wanhuida represented a major player in wedding photograph shooting business in reversing unfavourable CNIPA and court decision invalidating its registered trademark "米兰" (Chinese transliteration of "Milan") in class 41. The court of appeal found that the trademark had acquired secondary meaning through extensive use and is unlikely to cause confusion, thus ruled to maintain the registration. *The case is selected to be included in the "SPC's 50 exemplary IP cases of the year" in 2022.*

In the winning deal (Deal #35) "*Stahlwerk OEM trademark infringement*", Wanhuida represented the Chinese OEM manufacturer of a leading German welding equipment supplier whose founder owns the registered trademark Stahlwerk in Germany, in winning the trademark infringement retrial proceeding initiated by an ex- business associate and bad faith squatter of Stahlwerk trademark in China. The Zhejiang High Court dismissed the retrial application on the ground that the execution of trademark right is unjustified and breaches the good faith principle. The trademark squatter later initiated prosecutorial supervision procedure but to no avail. *The case was selected as one of the Top Ten Intellectual Property Cases of Zhejiang Court in 2021 by the Zhejiang High Court.*

The winning deals have, as in previous years, been chosen by the magazine's editorial team based on a number of factors including the overall significance, complexity, innovative nature and deal size. Qualified deals must have been closed or have made significant progress between 1 November 2021 and 31 October 2022.

China Business Law Journal's independent editorial team made its own choices on the deals they felt were the shining stars for the year. The winning deals and cases are presented in four sections: “*Capital market deals*”, “*Domestic deals*”, “*Cross-border deals*”, and “*Disputes and investigations*”.

For more information of the Wanhuida winning deals, please refer to: <https://law.asia/deals-china-2022#Dispute26>.

CHINA BUSINESS 商 LAW JOURNAL 法

年度杰出交易 – Deals of the year

2022