

WANHUIDA IP CASE HIGHLIGHTS COLLECTION

Expertise Makes It
Possible

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Wanhuida Intellectual Property is a leading IP service provider in China. It has two main legal entities, Wanhuida IP Agency and Wanhuida Law Firm, with offices covering major IP hubs in China.

Wanhuida is now home to some 500 employees working exclusively in the field of intellectual property. It has some 50 partners, 120 lawyers specialised in IP litigation and enforcement work, 160 trademark attorneys, 80 patent attorneys and 80 other professionals, including investigators and supporting staff. Many of them are recognised leaders in their respective fields. They come from a broad range of backgrounds, having worked in private practice, as in-house counsel or in government services in courts, police departments or administrative agencies.

The firm's professionals have broad and in-depth experience. Over the years, they have cumulatively litigated thousands of IP cases in courts all over China, prosecuted tens of thousands of patent applications and filed hundreds of thousands of trademark registrations. Many of the cases are first of their kind. They are recognised by industries, courts and administrative agencies as exemplary cases for their legal significance.

Wanhuida understands the law and its context through years of study and practice. It actively participates in the development of the legal framework. Since its creation, the firm has thus been closely associated with the legislative progress of Chinese IP laws and regulations. It continues to play an active role in the improvement of the Chinese legal and regulatory environment. Its practitioners are involved in the processes for revising the trademark law, patent law, copyright law, anti-unfair competition law and relevant judicial interpretations through the submission of comments to draft laws and organising platforms for discussion and communicating with authorities responsible for policy development.

The firm's active involvement in policy and law development enables it to stay abreast of how the laws are shaping up and gives its professionals insights that can be critical to protecting its clients' interests. The firm also keeps its finger on the pulse of legal practice changes through the thousands of cases it handles before the courts and administrative agencies.

This mix of legal expertise and result-oriented practical approach has been critical to the firm's past success and remains a key feature as it launches into the future.

Wanhuida IP Case Highlights Collection




PART 1

Trademark

Bad faith/Deception

ZEEKR/ 极氪 Case

Auto

Representing Chinese auto maker Geely in successfully overcoming the unfavorable review of refusal decisions against its trademarks “ 极氪 ” and “极氪 x ”, which prominently feature the Chinese counterpart “ 极氪 ” of its ZEEKR brand, filed in class 12, through administrative litigation. Both marks were refused by the CNIPA, citing the deceptive clause of the Trademark Law. The CNIPA erroneously found that the Chinese component “ 氪 ”, which refers to krypton, a chemical element, is likely to cause misidentification among the consumers over the raw materials of the goods, when being used on the designated goods of “automobile and motorcycle”. The Beijing High Court sided with the client in the appeal.

*Beijing High Court
(2025) Jing Xing Zhong No. 1873/1874*

Xiaomi Case I

Electronics

Representing Chinese smartphone giant Xiaomi in winning an opposition against a copycat of “MI” logo in class 9. The case is selected as one of the “CNIPA’s Exemplary Trademark Opposition and Adjudication Cases in 2020”.

CNIPA
(2020) Shang Biao Yi Zi No. 0000091514

Fred Paris Case

Jewelry

Obtaining for Fred Paris favorable cancellation decisions against "FRED ROYAL" registered in Classes 18 and 25, a trademark maliciously copied the client's trade name and brand name. The case went through cancellation, review of cancellation, two instances of administrative litigation as well as retrial proceeding, which ended with the Supreme Court affirming the cancellation decisions and dismissing the retrial application of the registrant.

Refa Case

Beauty Devices

Representing MTG Corporation, the brand owner of ReFa beauty devices in winning a civil suit against 5 infringers. On top of trademark infringement, the court found that the defendant's trademark hoarding and piggybacking on the plaintiff's brand reputation constitute unfair competition, thus granted permanent injunction, awarded damages of RMB 650,000, and ordered the defendant to cease applying for trademarks identical with or similar to MTG's "ReFa" and "黎珐" trademarks, including withdrawing pending applications and revoking registered trademarks.



*Court of Yinzhou District, Ningbo
(2023) Zhe 0212 Min Chu No. 4045*

New Balance Case I

Apparel and Footwear

Representing New Balance in the re-adjudication proceeding before the Supreme People's Court, which led to the successful invalidation of two trademarks in class 25 that imitated its iconic “N” logo. The SPC rulings may serve as precedents for similar cases where bad faith demonstrated in the way a registered trademark is used may have an impact on the determination of the similarity.

SPC

(2018) Zui Gao Fa Xing Zai No. 2/3

DARLIE Case

Personal care products

Representing HAWLEY AND HAZEL, registrant of “DARLIE” and the iconic image depicting a smiling bow-tied black male wearing a top hat in class 3, in invalidating numerous copycat registrations pre-emptively filed in bad faith by trademark squatter in various classes.

SPC

(2019) Zui Gao Fa Xing Shen No. 4572 ...

A-K-R-I-S- Case

Apparel and Footwear

Representing fashion house AKRIS PRET-A-PORTER AG in successfully opposing the bad faith application of “A-K-R-I-S-” mark in Class 25, by going through opposition, opposition review and two instances of court trial, TRAB re-examination and subsequent administrative litigation. The case has been selected by Beijing IP Court as one of the *18 exemplary cases concerning bad faith trademark filing*.

*Beijing IP Court
(2016) Jing 73 Xing Chu No. 1020*

Crayon Shin-chan Case I

Culture and Entertainment

Representing Futabasha Publishers Ltd. in a series of trademark administrative litigations regarding its most well-known comic figure Crayon Shin-chan, successfully obtained Beijing High Court's decisions for the cancellation of the appellant's pre-emptive trademark registration.



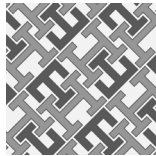
*Beijing High Court
(2011) Gao Xing Zhong Zi No. 1428*

Distinctiveness

TH interlocking pattern Case

Apparel and Footwear

Representing TOMMY HILFINGER in obtaining the registration of its new “TH interlocking pattern” mark in Classes 18 & 25 by overcoming the rejection, which found the mark was devoid of distinctiveness. The CNIPA approved the registration based on the finding that the applied mark is inherently distinctive and can serve as a source identifier. This case has been selected as one of the *2022-2023 Exemplary Trademark Cases by the China Trademark Association*.



CNIPA

Shang Ping Zi [2023] No. 0000161487

Shang Ping Zi [2023] No. 0000161488

Duracell color combination Case

Electronics

Obtained for Duracell the registration of its color combination trademark in 2006, which is the *first of its kind in China*.

CNIPA
Shang Ping Zi (2005) No. 3087



KuGou Case I

Information and communication

Obtained for KuGou Networks the registration of its iconic “Hello Kugou” sound trademark in classes 9 and 41 in China. *This case has been included in the 2019 - 2020 Exemplary Trademark Cases of China Trademark Association.*

CNIPA
Shang Ping Zi [2019] No. 0000192146
Shang Ping Zi [2019] No. 0000192148

Microsoft Case

Information and communication

Representing Microsoft in obtaining a favorable decision from the Beijing High Court on the territorial extension of the international registration of the trademark "POWERPOINT" in Class 42 to China. The Beijing High Court held that although "POWERPOINT," as a trademark for presentation software, had become well-known among the relevant public, this did not sever the association between the product and the trademark owner. On the contrary, it further reinforced that connection. The case is listed as one of the *"Top 10 Innovative IP Cases of the Beijing Courts in 2016"*.

*Beijing High Court
(2016) Jing Xing Zhong No. 2609*

San Lie Tong/ 散列通 Case

Pharmaceuticals

Representing Southwest Pharmaceutical in the re-adjudication before the SPC of a trademark dispute administrative litigation, safeguarding the client's most important 散列通 trademark registration. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2009*.

*SPC
(2009) Xing Ti Zi No. 1*

Milan Case

Photography

Representing 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. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2021*.

*Beijing High Court
(2021) Jing Xing Zhong No. 6471*

Little Sheep Case

Food and Beverage

Representing Inner Mongolia Little Sheep, the renowned domestic chain catering against rivals' opposition and obtained the registration of its trademark by demonstrating the distinctiveness of the mark through actual use.

*Beijing High Court
(2006) Gao Xing Zhong Zi No. 94*



LOC

Crocodile Case I

Apparel and Footwear

Representing LACOSTE in prevailing in the retrial proceedings (initiated by Nanji E-Commerce and CARTELO) and the second instance proceedings (initiated by Nanji E-Commerce) before the Beijing High Court, which ended with the copycat standalone left-facing crocodile registration in Classes 18 and 25 being invalidated in China. These decisions offer LACOSTE stronger weaponry in attacking Nanji E-Commerce/CARTELO's registration and use of the standalone crocodile image. The decisions distinguish the criteria in assessing trademark similarity and infringement in the administrative and civil proceedings. *The case is listed as one of the winning deals of the CBLJ 2023 Deals of the Year Award.*

*Beijing High Court
(2023) Jing Xing Shen No. 1279*

Crocodile Case II

Apparel and Footwear

Representing Lacoste in the invalidation proceeding and subsequent administrative litigation initiated by CARTELO CROCODILE PTE LTD against Lacoste's registered trademark “” in Class 25. The SPC, in a re-adjudication procedure, finally decided to maintain the validity of the trademark. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2018*.

SPC

(2018) Zui Gao Fa Xing Zai No. 134

Crocodile Case III

Apparel and Footwear

Representing Lacoste in a trademark infringement suit against the operator of a market where counterfeit distributors were located, obtaining a court injunction and decision holding the market operator liable for trademark infringement, due to its failure to fulfill the duty of care. The case has been selected to be included in the *SPC's Gazette*.

Shanghai No. 1 Intermediate Court

(2009) Hu Yi Zhong Min Wu (Zhi) Chu Zi No. 211

New Balance Case II

Apparel and Footwear

Representing New Balance in prevailing in the first instance, second instance and retrial of a trademark infringement and unfair competition suit against an infringer that intentionally altered its registered trademark in actual use to mimic the peculiar “N” packaging and registered trademark of the client. The trial court and court of appeal granted the client an injunction and awarded damages of RMB 3.3 million. The re-adjudication court Zhejiang High Court dismissed the retrial application of the infringer.

Hangzhou Intermediate Court, (2017) Zhe 01 Min Zhong No. 3893

L’Oréal Case I

Cosmetics

Representing L’Oréal in a trademark infringement and unfair competition suit against the combined use of its trade name and an infringing mark on goods of the same class, obtaining a favorable court injunction and damages of RMB 500,000, the highest statutory damages then provided by the Trademark Law. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2010*.

Jiangsu High Court, (2009) Su Min San Zhong Zi No. 168

Michelin Case I

Tire manufacturing

Representing Michelin in a trademark infringement suit against a Chinese infringer exhibiting and promoting toys using the "Tire man device", obtained favorable re-adjudication decision, cessation and damages of RMB 100,000. The re-adjudication court ascertains that using a figurative trademark as a three-dimensional object constitutes trademark infringement. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2020*.

*Guangdong High Court
(2019) Yue Min Zai No. 44*

Michelin Case II

Tire manufacturing

Representing Michelin in a trademark infringement suit against the blatant misuse of its trade name and registered trademark by a local electric bicycle maker, obtained a court injunction against the defendant. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2009*.

*Tianjin No. 2 Intermediate Court
(2008) Er Zhong Min San Chu Zi No. 3*

Spider Device Case

Apparel and Footwear

Representing China Spider King Group in the opposition review administrative proceeding, obtained favorable court decisions and the SPC's affirmation that the goodwill built up by a market player may be shifted among or extended to a variety of carriers that may serve as the source identifier of its goods or services, but there is no alternative form of trademark extension other than trademark renewal. The case has been selected to be included in the *SPC's Gazette*.

SPC
(2017) Zui Gao Fa Xing Shen No. 3297

Haier Case

Household appliances

Successfully representing Haier, a famous household appliances manufacturer in China, in combating against the improper use of the other parties' two registered trademarks in combination imitating the client's registered trademark.

Ningbo Intermediate Court
(2010) Zhe Yong Zhi Chu Zi No. 48/49

Chivas 3D Bottle Case

Food and Beverage

Representing Chivas in obtaining the first judgment finding that the infringer's conduct infringes Chivas' registered 3D trademark. *This is the first 3D trademark infringement decision in China.*

*Zhejiang High Court
(2012) Zhe Zhi Zhong Zi No. 125*

Dukang Case I

Food and Beverage

Representing a major distillery in attending the prosecutorial protest proceeding before the Beijing People's Procuratorate Fourth Branch lodged by a trademark infringer challenging an administrative punishment decision made by the Beijing AIC against a local supermarket selling its infringing spirits. Under the auspices of the procuratorate, a settlement agreement was signed. The infringer agreed to make its trademark distinguishable from the client's registered trademark in actual use and both parties entered into trademark coexistence agreement and withdrew all the pending civil and administrative proceedings. This case has been selected by the *Supreme People's Procuratorate for its Annual Exemplary IP Cases of 2021.*

WKTM

Hermès Case I

Luxury

Representing Hermès in prevailing in the trademark infringement and unfair competition suit against a real estate developer using its trademark and iconic design as building name and in business promotion activities, obtained judicial well-known trademark recognition, injunction and damages of RMB 2 million. This case has been selected to be included in the *IP Judicial Protection Exemplary Cases of the Qingdao Intermediate Court*.

*Shandong High Court
(2022) Lu Min Zhong No. 2582*

Michelin Case III

Tire manufacturing

Representing Michelin in a trademark infringement and unfair competition suit against the prominent use of its trade name and registered trademark by an acoustic equipment manufacturer, winning the suit and the judicial recognition of Michelin's super well-known trademark status. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2011*.

*Guangdong High Court
(2011) Yue Gao Fa Min San Zhong Zi No. 163*

Kodak Case

Photography

Obtaining for Kodak the well-known trademark status through judicial proceeding. The case has been selected to be included in the *SPC's Gazette*.

*Suzhou Intermediate Court
(2005) Su Zhong Min San Chu Zi No. 0213*

Xin Hua Dictionary Case

Culture and Entertainment

Representing the Commercial Press in bringing a trademark infringement and unfair competition action against an infringer that published copycats of the client's best-selling dictionary, obtained a favorable court decision, the recognition of the well-known status of the client's unregistered trademark, an injunction and damages of RMB 3 million. The case has been selected as *SPC's Top 10 IP Cases in 2017*.

*Beijing IP Court
(2016) Jing 73 Min Chu No. 277*

Meitu Case

Information and communication

Representing Xiamen Meitu in a trademark invalidation administrative re-adjudication proceeding, which puts an end to the invalidation proceeding instituted by Xiamen Meitu against the Disputed Trademark "MEITUXIUXIU in Pinyin and Chinese Characters" and confirms the well-known trademark recognition of the Cited Trademark "MEITUXIUXIU in Chinese Characters" in Class 9 in the internet context.

*SPC
(2018) Zui Gao Fa Xing Shen No. 3605*

KuGou Case II

Information and communication

Representing KuGou Networks in invalidating a trademark squatter's registration in all designated services in Class 41, through the TRAB procedure and court proceedings. The Court of Appeal affirmed that the evidence submitted by the client suffices to prove that its unregistered mark had reached well-known status before the application date of the disputed mark.

*Beijing High Court
(2017) Jing Xing Zhong No. 248*

CITIC Case

Finance

Representing China International Trust and Investment Company (CITIC) in a trademark infringement suit against a domestic furniture maker using the client's registered trademark as trade name, making the defendant to change its name, and had the client's trademark and trade name "CITIC in Chinese" granted the well-known trademark status.

*Beijing High Court
(2007) Gao Min Zhong Zi No. 1809*

Suan Suan Ru Case

Food and Beverage

Representing Meng Niu Dairy Group in obtaining the *well-known trademark status for the first unregistered trademark “Suan Suan Ru” (Sore Milk in Chinese)* through judicial proceedings in China.

*Inner Mongolia High Court
(2006) Nei Min San Zhong Zi No. 7*

Prior rights

Manolo Blahnik Case

Apparel and Footwear

Representing 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 case has been selected by the SPC’s *Annual Report on Intellectual Property Cases 2022*.

SPC

(2021) Zui Gao Fa Xing Zai No. 75

Iverson Case

Apparel and Footwear

Representing REEBOK in 2012 in a trademark administrative litigation suit against the pre-emptive registration of a series of trademarks of famous basketball player Allen Iverson's surname. The court upheld REEBOK's claim that the pre-emptive trademark registration infringed the prior right of name of Allen Iverson. This case was selected for the *CBLJ Deals of the Year Award*.



*Beijing No. 1 Intermediate Court
(2012) Yi Zhong Zhi Xing Chu Zi No. 1384/1385/1386*

BRANDO Case

Culture and Entertainment

Representing BRANDO ENTERPRISES, LP, the company that manages the late actor's estate, in raising oppositions against the trademark applications of "Marlon Brando" and the Chinese equivalent filed by a local company in class 3 and in obtaining favorable opposition decision from the CNIPA. The CNIPA found that in light of the *unrivaled reputation of Mr. Marlon Brando*, the registration and use of the trademarks is likely to create association between the goods to which the trademarks are attached and Mr. Marlon Brando, bring confusion among the consumers and result in negative influence on the public interest and order, which breaches Article 10.1.8 of the Trademark Law.

CNIPA
(2020) Shang Biao Yi Zi No. 0000010305

Tumblebug Case


Culture and Entertainment

Representing a famous Chinese children's show host in invalidating a trademark that intended to register her stage name "Tumblebug in Chinese Character". The invalidation decision was upheld by the first instance court and the court of appeal. The case has been selected to be included in the *15 Exemplary Cases of the Beijing IP Court*.

Beijing IP Court
(2018) Jing 73 Xing Chu No. 10552

Barbapapa Case

Culture and Entertainment

Representing Thomas Henry Taylor, the copyright owner of the Barbapapa cartoon image, in filing trademark opposition application against the “Baby & device” trademark , citing prior trademark and copyright over image . The opposition was upheld by the CNIPA and the Opposed Trademark was disapproved for registration.

CNIPA

Shang Ping Wei (2015) No. 0000092934

Shang Ping Wei (2016) No. 0000097373

Shang Ping Wei (2016) No. 0000097374

Monster Hunt Case

Culture and Entertainment

Representing EDKO, the distributor of box office hit “Monster Hunt”, a 3D fantasy film and owner of “Monster Hunt in Chinese Characters” trademarks in China, in successfully invalidating “Da Tang Monster Hunt in Chinese Character” trademarks applied prior to EDKO’s cited marks in Class 9, Class 28, Class 41 and Class 42, citing *prior merchandising right of the Chinese film title*.



CNIPA

Shang Ping Zi [2018] No. 0000119584

Shang Ping Zi [2018] No. 0000119585

Shang Ping Zi [2018] No. 0000119586

Shang Ping Zi [2018] No. 0000119587

Comcast Case

Information and communication

Representing Comcast Corporation in successfully invalidating Disputed Trademark “Comcast” registered by a Chinese company in class 9, citing the client’s trade name “Comcast” and the copyright attached to the specific representation of its name. The Beijing IP Court acknowledged the fact that a foreign trade name may establish visibility among the relevant public in China through media coverage, even without direct business activity.

*Beijing IP Court
(2018) Jing 73 Xing Chu No. 3621*

PAS Case

Electronics

Successfully filed in 2003 the *first exhibition priority application* with the China Trademark Office (CTMO) thereby securing the registration of the trademark.

Assignment & licensing

Rendell Case

Personal care products

Successfully revoked in 2005 the illegal trademark assignment and thereof the illicit trademark license contract for W.J.Rendell LTD. through judicial proceeding.

*Beijing No. 1 Intermediate Court
(2002) Yi Zhong Min Chu Zi No. 7331 – Assignment*

*Beijing High Court
(2004) Gao Min Zhong Zi No. 128 – Licensing*

Revocation

Huya Case

Culture and Entertainment

Representing Huya, a leading Chinese game livestreaming platform in successfully reversing the unfavorable non-use cancellation decision against its iconic device trademark “” on service of “sales promotion for others” in class 35 through trademark administrative litigation. Beijing High Court, the court of appeal affirmed that the game livestreaming platform, by leveraging its traffic and user base, received a proportionate share of revenue from the third-party game developer and provider, for promoting the said games through livestreaming, offering downloading and organizing promotional events so as to increase game downloading and top-ups. Such act constitutes offering planning and promotion to facilitate the sale of other’s goods or services, thus falls under the “sales promotion for others” service in class 35. The case was included in the *Annual Report on the Application of Law in IP Cases by Courts Nationwide*, which was released by the Supreme People’s Court in 2025.

*Beijing High Court
(2024) Jing Xing Zhong No. 6099*

Maggie Sottero Case

Apparel and Footwear

Representing Maggie Sottero Designs, LLC in successfully cancelling copycat trademark “Maggiesottero”, a slavish mark of the client’s core brand filed as early as in 2007. The BIPC’s favorable decision put an end to the 13-year legal saga. This case could serve as a point of reference in recognition of symbolic use in trademark cancellation cases.

*Beijing IP Court
(2022) Jing 73 Xing Chu No. 3690*

Qualcomm Case

Information and communication

Representing Qualcomm in successfully cancelling the mark “GOTOP + 高通” registered in Class 9 by Shanghai Gao Tong Semiconductor Ltd on the ground of non-use for three consecutive years. The case went through the TRAB proceeding, first instance, second instance and retrial and the SPC maintained the second instance decision to cancel the registration.

*SPC
(2018) Zui Gao Fa Xing Shen No. 4140*

Wanchai Ferry Case

Food and Beverage

Representing General Mills in canceling a trademark squatter's "Wanchai Ferry in Chinese" mark in Class 42. The SPC maintained the second instance decision to cancel the registration and affirmed that single and symbolic use of the trademark for the mere purpose of sustaining its registration cannot justify the registrant's real intention to use such mark. The case has been selected by the *SPC's Annual Report on Intellectual Property Cases 2015*.

SPC, (2015) Zhi Xing Zi No. 181

Thousand-layer tofu Case

Food and Beverage

Representing the client in successfully revoking the registration of “千页豆腐” (thousand-layer tofu in Chinese) trademark registered by a Chinese food manufacturer in class 29 in 2013. The case went through revocation proceeding, two instances of administrative court proceeding and ended with the affirmation of the Beijing High Court that the trademark has degenerated into a generic name of tofu and tofu varieties when the revocation application was filed. The decision is of empirical significance for clarifying the parameters in assessing the genericide of registered trademarks. *This case has been included in the Top 10 Trademark Cases of Beijing High Court.*

Beijing High Court, (2022) Jing Xing Zhong No. 2

Parallel Imports

Michelin Case IV

Tire manufacturing

Winning for Michelin a trademark infringement suit against the distributors of parallel imports, making it the *first infringement decision against a distributor of parallel imports issued by a Chinese court*.

*Changsha Intermediate Court
(2009) Chang Zhong Min San Chu Zi No. 73*

Stahlwerk Case

Machinery

Representing the Chinese OEM manufacturer of Stahlwerk Schweissgeräte GmbH, a leading German welding equipment supplier whose founder owns the registered trademark Stahlwerk in Germany, in winning the trademark infringement re-adjudication proceeding initiated by an ex- business associate and bad-faith registrant of Stahlwerk in China. The case has been selected to be included in the *Top 10 IP Cases of Zhejiang Courts in 2021*.

*Zhejiang High Court
(2021) Zhe Min Shen No. 4890*

Fendi Case

Luxury

Representing Fendi in prevailing in the appeal and re-adjudication of a trademark infringement and unfair competition proceeding against an unaffiliated retailer selling gray market Fendi goods and using Fendi trademarks in business operation and on the signage. The re-adjudication decision rejecting the fair use defence is expected to help set a precedent as to how business should be promoted in the context of parallel imports. The case has been selected to be included in the *Top 10 IP Cases of Shanghai Courts in 2021*.

*Shanghai High Court
(2019) Hu Min Zai No. 5*

Avène Case

Cosmetics

Representing Pierre Fabre Dermo Cosmetique in obtaining an unfair competition decision against an online seller of genuine Avène products that promotes business in a misleading way. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2015*.

*Changsha Intermediate Court
(2015) Chang Zhong Min Wu Chu Zi No. 280*

Ballantine's Case

Food and Beverage

Representing ALLIED DOMEQ SPIRITS & WINE LIMITED and Pernod Ricard in obtaining court injunction, trademark infringement ruling and damages from the retailer of parallel import spirits whose lot number was removed, and the “Ballantine’s in Chinese” label was attached without the client’s authorization. The case has been listed as one of the *Top 10 Exemplary IP Cases in Hunan*.

*Changsha Intermediate Court
(2016) Xiang 01 Min Chu No. 1463*

Absolut Case

Food and Beverage

Representing Pernod Ricard in a civil litigation against a retailer of parallel import Absolut spirits and winning the case on the ground that the removal of the product identification number infringes the consumers’ right to know the product origin and interferes with the trademark owner’s tracking system on product quality. The case has been selected as one of the *exemplary cases of China IP Magazine*.

*Suzhou Intermediate Court
(2013) Su Zhong Zhi Min Chu Zi No. 175*

Damages

Chang Xiu Lin Case

Pharmaceutical

Advising a leading Chinese pharmaceutical company in prevailing in both instances of court proceeding, where the Suzhou Intermediate Court and the Jiangsu High Court unanimously ruled against a rival Chinese insulin maker and an ex- shareholder of the client that preemptively registered and used similar trademarks, adopting similar trade names and trade dress. The court found trademark infringement and unfair competition could be established, recognized the well-known trademark status of the client's prior marks, ordered cessation, and awarded damages of *RMB 60.8162388 million* (inclusive of reasonable costs). The case was included in the *Annual Report on the Application of Law in IP Cases by Courts Nationwide*, which was released by the Supreme People's Court in 2025.

*Jiangsu High Court
(2022) Su Min Zhong No. 1604*

Xiaomi Case II

Electronics

Representing Chinese smartphone giant Xiaomi in winning the trademark infringement and unfair competition suit against defendants extensively using infringing trademarks on sex toys and as trade name and in tagline in business promotion. The Beijing IP Court recognized that Xiaomi's cited marks have reached well-known status, affirmed trademark infringement and unfair competition, ordered cessation and awarded damages of *RMB 30.15 million* (inclusive of reasonable costs). This case has been selected as one of the *exemplary cases of China IP Magazine*.

*Beijing High Court
(2024) Jing Min Zhong No. 121*

Wyeth Case

Food and Beverage

Representing Wyeth in securing a favorable decision in a civil appeal proceeding against a long-term infringer Guangzhou Wyeth Baby Products Ltd. et al. The Zhejiang High Court upheld the decision rendered by the Hangzhou Intermediate Court, which found trademark infringement and unfair competition, ordered cessation, and granted punitive damages of *RMB 30 million* and reasonable legal expense of RMB 550,000. The case has been selected as *SPC's Top 10 IP Cases in 2021*.

*Zhejiang High Court
(2021) Zhe Min Zhong No. 294*

New Balance Case III

Apparel and Footwear

Representing New Balance in obtaining a permanent court injunction and landmark damages of *RMB 30.04 million* (inclusive of reasonable costs) in the second instance of a trademark infringement and unfair competition suit against the infringers using a slavish copycat of the client's iconic slanting "N" logo and its Chinese trade name, which has acquired certain influence. The case has been included in the SPC's *Annual Report on Legal Application in IP Cases* and selected as one of the *Top 10 QBPC IP Protection Cases of 2023 – 2024*.

SPC

(2022) Zui Gao Fa Min Zhong No. 146

New Balance Case IV

Apparel and Footwear

Representing New Balance in winning a civil infringement suit against a slavish copycat of its iconic slanting "N" logo and peculiar trade dress. The first instance court ruled in favor of the client, granting an injunction, damages of *RMB 18.2 million* and a public apology.

Jiangsu High Court

(2020) Su Min Zhong No. 561

YETI Case

Outdoor gear

Representing YETI in suing the ringleader counterfeiters from a major criminal prosecution proceeding in a trademark infringement civil suit, obtained court cessation and damages of *RMB 20 million*. This case was selected for the *CBLJ Deals of the Year Award*.

*Shenzhen Intermediate Court
(2023) Yue 03 Min Chu No. 5107*

Crocodile Case IV

Apparel and Footwear

Representing Lacoste in obtaining favorable court decision in a trademark infringement lawsuit against Nanji E-Commerce, owner of Cartelo brand. The Beijing IP Court affirmed trademark infringement, ordered cessation and awarded damages of *RMB 15 million*. The infringers appealed before Beijing High Court, which upheld the first instance decision on December 29, 2023. The case has been selected as one of the *Top 10 QBPC IP Protection Cases of 2023 - 2024*.

*Beijing High Court
(2022) Jing Min Zhong No. 293*

Dukang Case II

Food and Beverage

Representing the client in lodging a trademark infringement suit against a rival distillery whose low-price dumping of the infringing products significantly erodes the client's market share, obtained a court injunction, trademark infringement finding and damages of *RMB 15 million*. The court of appeal upheld the judgment made by the court of first instance. The case is selected as one of the *Top 10 IP Cases of the Henan High Court*.

*Henan High Court
(2017) Yu Min Zhong No. 857*

Michelin Case V

Tire manufacturing

Representing Michelin in winning the civil suit against Shanghai Mi Zhi Lian Catering Management Ltd. et al., which used the Chinese transliteration of the Cantonese pronunciation of Michelin in business operation and as registered trade name. The Wuhan Intermediate Court and the Hubei High Court affirmed trademark infringement and unfair competition, ordered cessation and awarded damages of *RMB 10 million*. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2023*.

Hubei High Court, (2022) E Zhi Min Zhong No. 190

Pigeon Case

Wire and Cable Manufacturing

Representing Chongqing Pigeon in prevailing against an infringer in a civil infringement case, where the trial court and the court of appeal found trademark infringement and unfair competition, ordered cessation and awarded damages of *RMB 10 million* to be jointly and severally borne by the infringer and a dealer. The case has been selected to be included in the *Top 10 IP Cases of Chongqing Courts in 2021*.

Chongqing High Court, (2021) Yu Min Zhong No. 166

Huaihai Case

Auto

Obtaining for the client permanent injunction and damages of RMB 7 million for the defendants' use of the infringing “淮海” mark during the period preceding its invalidation, when the trademark was still valid. Both instances of courts found that the exception of non-retroactivity provided by Article 47 of the Trademark Law did not apply since the owner of the invalidated trademark was the infringer itself. The courts thus concluded that the business activity which retroactively has become infringing, could be sanctioned by an award of damages in favor of the plaintiff.

SPC, (2023) Zui Gao Fa Min Shen No. 2846

Luk Fook Case

Jewelry

Representing Hong Kong jeweler Luk Fook in winning a trademark infringement and unfair competition lawsuit against an infringer, obtaining a court injunction and damages of *RMB 6 million*. The case has been selected as one of the *exemplary cases of China IP Magazine*.

Guangdong High Court, (2019) Yue Min Zhong No. 957

United Family Healthcare Case I

Healthcare

Representing United Family Healthcare (UFH) in filing a trademark infringement and unfair competition suit against a copycat, obtaining favorable decisions from the first and second instance courts, which affirmed infringement for defendant's using of UFH's Chinese word mark and ordered damages of RMB 300,000. UFH filed for retrial, requesting SPC's affirmation on trademark infringement and unfair competition for defendant's use of its device mark, seeking court mandated name change of the defendant and damages of RMB 3 million. The SPC upheld all plaintiff's claims. This case has been selected by the SPC for its *Annual 50 Exemplary IP Cases of 2019*.

SPC

(2018) Zui Gao Fa Min Zai No. 428

Discovery Case

Culture and Entertainment

Representing Discovery in bringing a civil suit against an e-commerce platform operator JD and an infringer operating an online store called "Official Flagship Store of Discovery Outdoors" on JD's online mall, obtaining a favorable court decision, the cessation of the trademark infringement and damages of *RMB 3 million*, of which JD had to bear the joint and several liability for its contributory infringement for RMB 100,000.

*Beijing High Court
(2017) Jing Min Zhong No. 737*

Total Case

Energy

Representing TOTAL in filing a civil lawsuit against an infringing lubricant manufacturer using a registered trademark similar to TOTAL's trademarks. The Beijing IP Court granted injunction to enjoin the infringer from using its registered trademark based on the well-known recognition of TOTAL's trademarks. The court supported TOTAL's claim of damages *RMB 1 million*.

*Beijing IP Court
(2016) Jing 73 Min Chu No. 287*

STIHL Case I

Machinery

Representing ANDREAS STIHL in initiating a criminal and subsequent civil action against a counterfeiter and his company in China. The counterfeiter was sentenced to 3-year imprisonment and imposed a fine of RMB 100,000; and ordered to bear joint liability for infringement and pay damages of RMB 300,000. The case has been listed by Guangzhou IP Court as one of its *Top 10 IP Exemplary Cases in 2016*.

*Guangzhou IP Court
(2016) Yue 73 Min Zhong No. 958*

3M Case

Manufacturing

Representing 3M in obtaining damages of *RMB 3.5 million* (exceeding the limit of the statutory damages under the Trademark Law) against a Chinese infringer, a decision upheld by the court of second instance and by the SPC. The case has been selected as *SPC's 50 Exemplary IP Cases of 2015*.

*Zhejiang High Court
(2015) Zhe Zhi Zhong Zi No. 152*

United Family Healthcare Case II

Healthcare

Representing Chindex in obtaining court injunction against and indemnification of RMB 1.1 million from an infringer using its United Family trademarks. The case is selected as *Chongqing High Court's Top 10 Judicial IPR Protection Cases* for its application of Article 63.2 of the new Trademark Law.

*Chongqing First Intermediate Court
(2015) Yu Yi Zhong Fa Min Chu Zi No. 1153*

Grohe Case

Bathroom fixtures

Winning a court decision in 2008 awarding RMB3.52 million damages for Grohe in a trademark infringement suit on the grounds of violation of the principle of good faith, the largest compensation amount ever granted by the Ningbo Intermediate Court.

*Ningbo Intermediate Court
(2008) Yong Min Si Chu Zi No. 79*

Volkswagen Case

Auto

Representing Volkswagen in an unfair competition suit against the blatant misuse of its trade name and registered trademark by a local auto lubricant seller, in which court awarded RMB 1.6 million in damages for the client This case was selected as one of the QBPC's "10 Best Cases Award" of 2007.

*Changsha Intermediate Court
(2007) Chang Zhong Min San Chu Zi No. 72/73/74*

Wanhuida IP Case Highlights Collection



PART 2

GI

L'OIE DES LANDES Case

Food and Beverage

Representing French National Institute of Origin and Quality (INAO) in successfully blocking the registration of trademark "L'OIE DES LANDES" filed by a Chinese company in class 29 through opposition proceeding. The opponent cited "VOLAILLES DES LANDES", a French protected geographical indication in the sector of agricultural produce, which covers the poultry (and the giblet thereof) produced in the French region of Landes, where the animals are reared in a free-range way and fed on cereals and maize, a prominently cultivated crop of the region. The CNIPA found the applied mark, which means Goose of LANDES misleading (when being used on meat) and prone to create confusion among consumers (when being used on other designated goods), thus upheld the opposition. The case has been selected as one of CNIPA's *Exemplary Trademark Opposition and Adjudication Cases in 2024*.

CNIPA

(2024) Shang Biao Yi Zi No. 0000063268

Champagne Case

Food and Beverage

Representing CIVC in registering the geographical indication “Champagne” and its Chinese transliteration 香槟 as *collective trademarks* in China and subsequently obtaining the *well-known trademark recognition* for the same through judicial proceeding, extending the protection of the well-known GI collective trademarks to perfume.

*Beijing High Court
(2022)Jing Min Zhong No. 453*

Cognac Case I

Food and Beverage

Representing The Bureau National Interprofessionnel du Cognac (BNIC) in successfully invalidating a copycat trademark of the Chinese transliteration of its geographical indication collective trademark Cognac in class 33. The case has been selected as *CNIPA's Exemplary Trademark Opposition and Adjudication Cases of 2021*.

*CNIPA
Shang Ping Zi [2021] No. 0000299642*

ROMANEE CONTI 罗曼蒂 · 康帝 Case

Food and Beverage

Representing French National Institute of Origin and Quality (INAO) in successfully invalidating the trademark 罗曼尼 · 康帝 (a Chinese transliteration of 'Romanée-Conti') in Class 33, which was owned by a Chinese natural person Wu Liping. The Beijing High Court affirmed in the appeal that Romanée-Conti and its Chinese transliteration 罗曼尼 · 康帝 should be protected as GIs of wines, despite the fact that Romanée-Conti, an accredited appellation of origin for wine in France, has not been registered as a geographical indication (GI) trademark in China, as registration is not a prerequisite to invoke protection of GIs in the Trademark Law. The court found that the litigious mark is misleading (when being used on wines) and is prone to create confusion among consumers (when being used on other designated goods). The case helps Wanhuida win the *UNIFAB Award in the "Law Firm" category in 2021*.

*Beijing High Court
(2019) Jing Xing Zhong No. 1343*

Bordeaux Case I

Food and Beverage

Representing CIVB against a local infringer before the first instance court and the court of appeal, which affirmed the trademark infringement and unfair competition, ordered the cessation of the infringing acts and awarded damages of RMB 500,000. The case has been selected as one of *Shandong High Court Top 10 Cases in 2020*.

*Shandong High Court
(2019) Lu Min Zhong No. 530*

Brane Cantenac Case

Food and Beverage

Representing the French winery Chateau Brane-Cantenac in successfully invalidating the preemptive registration of "BRANE CANTENAC" for wines, which was filed by a company that had a special relationship with an agent (in a broad sense) of the client. The case has been selected by Beijing IP Court as one of the *18 exemplary cases concerning bad faith trademark filing*.

*Beijing IP Court
(2016) Jing 73 Xing Chu No. 265*

BLEU D'AUVERGNE Case

Food and Beverage

Representing the French government bureau INSTITUT NATIONAL DE L'ORIGINE ET DE LA QUALITE (INAO) in successfully citing the Geographical Indication “BLEU D'AUVERGNE” as an appellation of origin for French cheese, in an opposition against the trademark “奥福格” (transliteration of AUVERGNE), which had been applied by a Chinese company for use on goods like “canned fish, pickled fruit; cheese” in Class 29. The case has been selected as one of the CNIPA's *Exemplary Trademark Cases of 2018*.

CNIPA, (2018) Shang Biao Yi Zi No. 0000051187

Keemun tea Case

Food and Beverage

Representing a major Keemun tea maker in invalidating the registration of Keemun Black Tea certification trademark, which erroneously designated Qimen County as the exclusive growing region of Keemun Black tea. The court of appeal and the re-adjudication court (SPC) found the registrant breached the good faith principle and upheld the invalidation decision. The case has been selected as SPC's *50 Exemplary IP Cases of 2017*.

Beijing High Court, (2017) Jing Xing Zhong No. 3288

Wanhuida IP Case Highlights Collection



PART 3

Unfair Competition

Xiaomi Case III

Electronics

Representing Xiaomi in winning the unfair competition suit against the infringers that pre-emptively registered its voice activation command prompt, brazenly sent cease and desist letter to Xiaomi and sold infringing products. The court found unfair competition, ordered cessation and awarded Xiaomi damages of RMB 1.2 million. The case has been selected as SPC's *Top 10 IP Cases in 2023*.

Wenzhou Intermediate Court, (2023) Zhe 03 Min Chu No. 423

Nestlé Case

Food and Beverage

Representing Nestlé in prevailing in the unfair competition suit launched against Shenzhen Ultru and Fujian Kelilong, which are engaged in manufacturing and distributing baby food imitating the trade dress of its Gerber brand. The first instance Court ruled that Nestle's trade dress for GERBER organic series products should be protected as a famous trade dress under Anti-Unfair Competition Law, and the defendants' use of similar trade dress on identical products constituted infringement. The Court thus ordered cessation and damages of RMB 1 million (inclusive of reasonable costs). The judgment was later upheld in the appeal.

Shenzhen Intermediate Court, (2024) Yue 03 Min Zhong No. 19935

Hermès Case II

Luxury

Representing Hermès in prevailing in the trademark infringement and unfair competition suit against infringers manufacturing and selling ladies handbags mimicking the design of Hermès iconic Kelly and Birkin bags and using Hermès series trademarks such as "BIRKIN", "KELLY", "CONSTANCE", "Picotin", "H" and "LINDY" in business promotion. The court recognized that the design of "Birkin" and "Kelly" bags are "trade dress with certain influence", and the accused acts constituted trademark infringement and unfair competition, thus ordered cessation and awarded damages of RMB 2.3 million. The first instance court decision was later upheld in the appeal proceeding..

*Hangzhou Intermediate Court
(2024) Zhe 01 Min Zhong No. 5387*

Martell Case

Food and Beverage

Representing Martell in successfully enforcing its 3D registered trademark for the bottle design of Martell XO and its trade dress for Martell Cordon Bleu bottle and outer packaging. The Trial Court granted injunction and awarded damages of RMB 500,000 and RMB 800,000 respectively.

Hexi District Court of Tianjin
(2023) Jin 0103 Min Chu No. 15125
(2023) Jin 0103 Min Chu No. 13888

Cognac Case II

Food and Beverage

Representing BNIC, the French National Bureau of Cognac Industry in prevailing in the unfair competition suit launched against Ford. Both the first and second instance courts found that Ford China exploited the reputation of 'Cognac', a protected GI to elevate its own brand, thereby gaining an unfair competitive edge. The courts thus ordered cessation and awarded damages of RMB 2 million. The case has been selected as one of the *10 Exemplary IP Judicial Protection Cases of the Suzhou Intermediate Court*.

Jiangsu High Court
(2021) Su Zhi Min Zhong No. 6

Dechang Case

Machinery

Representing Ningbo Dechang in successfully fending off the unfair competition suit brought by JOHNSON ELECTRIC INDUSTRIAL MANUFACTORY, LIMITED. The Ningbo Intermediate Court dismissed all the requests of the plaintiff including immediate cessation of using the litigious trade name “ 德昌 ” (Dechang in Chinese) and jointly and severally indemnify damages and reasonable expenses of RMB 100 million. The plaintiff appealed before the Zhejiang High Court and lowered the claim of damages to RMB 30 million. The Court of Appeal upheld the decision of the trial court and ruled in favor of the client. The case has been selected to be included in the *Top 10 Innovative IP Judicial Protection Cases of the Ningbo Courts*.

*Zhejiang High Court
(2022) Zhe Min Zhong No. 1140*

Michelin Case VI

Tire manufacturing

Representing MICHELIN in initiating a civil litigation against a national restaurant chain using taglines like “一份吃得起的米其林牛腩” (A portion of affordable Michelin beef brisket in Chinese) on signboards and “立志做米其林牛腩” (Aiming to cook Michelin beef brisket in Chinese) in interior decoration. The court ascertained that the act constituted unfair competition, ordered cessation and awarded damages of RMB 1 million to be paid by the company running the restaurant chain and another RMB 20,000 from the restaurant being sued. The case has been selected to be included in the *Top 10 Anti-Unfair Competition Cases of the Jiangsu Courts (2019 - 2022)*.

*Jiangsu High Court
(2022) Su Min Zhong No. 128*

Decathlon Case I

Sports goods

Representing Decathlon in securing permanent injunction and damages of RMB 2 million in the unfair competition suit against Chinese outdoor sports store Outcool, which copied the store design of Decathlon. The court of appeal affirmed that the Anti-Unfair Competition Law does not prohibit business operators from drawing experience from each other, however, where the borrowing goes beyond the reasonable boundary and escalates into a full-scale imitation of other's distinctive trade dress and packaging that serves as a source identifier, such act shall be deemed as free-riding and malicious, and unfair competition could be established. The case helps Decathlon win the *Unifab Award in the "Enterprise" category in 2023*.

*Anhui High Court
(2021) Wan Min Zhong No. 1478*

Chanel Case

Luxury

Representing CHANEL in prevailing in the unfair competition suit against a copycat fragrance imitating the iconic trade dress of its CHANEL N°5 perfume. The trial court and the court of appeal unanimously granted protection over the unique trade dress of CHANEL N°5 perfume, ordered cessation and damages. The case has been selected as one of the *10 Exemplary IP Cases by the Shaanxi Courts*.

Shaanxi High Court, (2021) Shan Min Zhong No. 319

STIHL Case II

Machinery

Representing ANDREAS STIHL in defeating a copycat of its orange and grey color combination on chain saw, obtaining a court injunction and damages of RMB 400,000. *This is the first precedent of a color combination trade dress being granted judicial protection in China.* The firm also represented ANDREAS STIHL in 1) defending the invalidation request against its color combination mark 1 and 2) obtaining the registration of color combination mark 2 through review of refusal administrative litigation.

Zhejiang High Court, (2015) Zhe Hang Zhong Zi No. 141

Enruite v. Yangtze River

Pharmaceuticals

Successfully defending the legitimacy pertaining to the patentee's implementation of a valid chemical compound invention in a high-stake anti-monopoly appeal proceeding. The China Supreme People's Court overturned the unfavourable first instance court decision, which ordered the client to pay hefty damages of RMB 90 million. The case has been selected as *SPC's 10 Exemplary Anti-monopoly and Unfair Competition Cases of 2023*.

SPC, (2020) Zui Gao Fa Zhi Min Zhong No. 1140

Nanjing Sanhome v. Changsha Huamei

Pharmaceuticals

Representing the patentee in successfully defending the validity of the client's medical use patents and obtaining favorable court decisions, cessation and damages of RMB 800,000 in the patent civil suits. *This is the first parallel administrative and civil proceedings involving chiral drug medical use patents before the SPC*. The administrative case has been selected as *SPC's 50 Exemplary IP Cases of 2022*.

SPC, (2020) Zui Gao Fa Zhi Xing Zhong No. 475/476

Bayer v. Nanjing Hencer & Nanjing Lifenergy

Pharmaceuticals

Representing Bayer in a patent administrative enforcement action against two Chinese infringers offering for sale the client's patented drug rivaroxaban, obtaining favorable decisions from the Nanjing IP Office. The infringers appealed all the way to the SPC but to no avail. The SPC used this case to clarify several key issues, including whether offering for sale hinges on the availability of the patented drug, whether a disclaimer from the accused infringer creates exemption from infringement liability, and whether the Bolar exemption applies to the act of offering for sale. The case has been selected as *SPC's 50 Exemplary IP Cases of 2022*.

SPC

(2021) Zui Gao Fa Zhi Xing Zhong No. 451

Bayer v. Nanjing Chia-Tai Tianqing

Pharmaceuticals

Helping defend the validity of Bayer's compound patent of blockbuster anticoagulant drug rivaroxaban. The invalidity decision affirms that the teaching of specific drug structure-activity relationship is pivotal in ascertaining whether there is technical motivation for structural modification in the prior art. The case has been selected as one of the *CNIPA's Top 10 Patent Reexamination and Invalidation Cases of 2020*.

CNIPA

Invalidation Decision No. 45997

Bayer v. Shanghai Acebright

Pharmaceuticals

Representing Bayer in enforcing its pharmaceutical patent over the anti-tumor compound sorafenib by initiating an administrative action against a local infringer offering to sell the patented products. The Shanghai IPO granted Bayer's petition and ordered cessation of the infringement. The case has been selected as one of the *CNIPA's 10 Exemplary Patent Administrative Enforcement Cases of 2019*.

Shanghai IP Administration

Hu Zhi Ju Chu Zi [2019] No. 2

Bayer v. Beijing Mediking

Pharmaceuticals

Representing Bayer, the patentee of an invention patent titled “ ω -Carboxyaryl Substituted Diphenylureas as Raf Kinase Inhibitors” in a patent administrative enforcement action against an infringer offering for sale of the patented products, obtaining a favorable decision. The case has been selected as one of the CNIPA’s *10 Exemplary Patent Administrative Enforcement Cases of 2018*.

*Beijing Municipal IP Office
Jing Zhi Zhi Zi (2018) No. 1123-35*

Ruiqiang v. Hu Xiaoquan

Pharmaceuticals

Representing Ruiqiang Medicinal Science and Technology against Hu Xiaoquan in a patent infringement re-adjudication proceeding before the SPC. The case was selected by the *Annual Report of the Supreme People’s Court on Intellectual Property Cases (2012)* for its significance in construing the “close-ended” claim.

*SPC
(2012) Min Ti Zi No. 10*

Simcere v. PTAB

Pharmaceuticals

Defending successfully the validity of Simcere patent on formulation comprising Amlodipine and Irbesartan in the re-adjudication proceeding before the SPC. The case was selected by the *Annual Report of the Supreme People's Court on Intellectual Property Cases (2011)* for its significance in applying the fairness and reasonableness principles in interpreting the Guidelines for Patent Examination and in determining whether a new matter has been introduced by amendment.

SPC
(2011) Zhi Xing Zi No. 17

SEB Actifry dry fryer cases

Household Appliances

Representing SEB in defending a dozen rounds of invalidation requests against its patent portfolio for the strategic product Actifry dry fryer in China. Given that the dry fryer has accumulated sales volume of 1.17 billion euros worldwide, and infringing products are all sourced from China, maintaining the validity of the core patent portfolio in China is instrumental in containing the infringing products worldwide.

SEB v. Guangdong Qifeng

Household Appliances

Representing SEB, the world's leading small household appliance supplier, in defeating a patent infringer in two instances of court proceedings, obtaining a court injunction and damages of RMB 300,000. The case was selected as the SPC's *50 Exemplary IP Cases* for its clarification on how to define the protection scope of functional claims.

*Guangdong High Court
(2013) Yue Gao Fa Min San Zhong Zi No. 279*

LPG v. CNIPA

Health and wellness

As agent of LPG SYSTEMS, we successfully persuaded the Beijing IP Court and the Supreme People's Court of China into revoking the unfavourable patent invalidation decision made by China National Intellectual Property Administration (CNIPA), thus maintained the validity of a valuable invention patent of the client.

*SPC
(2020) Zui Gao Fa Zhi Xing Zhong No. 612*

Neutrik v. Seetronic Ningbo

Electronics

Representing Neutrik, an international manufacturer of innovative electrical and electronic interconnection products and systems, in responding infringer's retrial petition before the SPC, which dismissed the re-adjudication petition and upheld the lower courts' decision in favor of the client.

SPC

(2018) Zui Gao Fa Min Shen No. 6060

Freebit v. Bose

Electronics

Representing Freebit in successfully invalidating all claims of three Bose patents in China, which puts Freebit in an advantageous position in fighting potential Bose patent infringement allegation in the country.

CNIPA

Invalidation Decision No. 39627 (invention patent 201180048398.0)

Invalidation Decision No. 39858 (invention patent 201110038828.2)

Invalidation Decision No. 39840 (invention patent 201110038810.2)

Corun v. Alantum

Energy

Representing Corun Energy against Alantum Technology in a patent infringement re-adjudication before the SPC. The case was selected as *SPC's Top 10 IP Cases of 2013* for its significance in applying the doctrine of equivalents.

*Jiangsu High Court
(2011) Su Zhi Min Zai Zhong No. 1*

New GEP v. Forerunner

Material

Representing Guangzhou New GEP in a re-adjudication proceeding for a patent infringement suit, in which the SPC supported the argument that in the construction of a claim, if the parties have a different understanding of the wordings, one may refer to the specification and the drawings to interpret the claim. The case has been selected by the *Annual Report of the Supreme People's Court on Intellectual Property Cases (2010)*.

*SPC
(2010) Min Shen Zi No. 871*

P&G v. SeaMild

Personal care products

Advising P&G in fending off the unreasonable patent infringement suit initiated by a Chinese patentee, which claimed whopping damages as high as *RMB 100 million* before the Shanghai IP Court by having the patentee's invention invalidated.

*Shanghai IP Court
(2019) Hu 73 Zhi Min Chu No. 510-1*

Stokke v. DOUX BEBE

Maternity and Baby

Representing Stokke AS, a Norwegian children's furniture and accessories maker and the patentee of an invention patent for a foldable stroller, in obtaining a court injunction, a favorable patent infringement decision and damages of *RMB 2.25 million* against the manufacturer and dealers of the infringing products.

*Zhejiang High Court
(2018) Zhe Min Zhong No. 311*

Hebei Shield Excellence v. Resolution Research Nederland B.V. et al.

Chemical

Obtaining a favorable court judgment in defending a client in an infringement suit in which the plaintiff asserted a chemical process patent and claimed damages in the amount of *RMB 12.9772 million*.

*Jiangsu High Court
(2014) Su Zhi Min Zhong No. 113*

Wanhuida IP Case Highlights Collection



PART 5

Design

V8 Case

Food and Beverage

Representing Carlsberg in successfully invalidating the design patent, which infringes on its V8 registered trademark filed in prior to the design at issue. The case went through invalidation action at the CNIPA and two instances of court proceedings. The Supreme People's Court, which serves as the court of appeal in the administrative proceeding, ruled in favor of Carlsberg. The case has been selected to be included in the *Abbreviation of Adjudication of the Intellectual Property Court of the Supreme People's Court in 2023*.

SPC, (2023) Zui Gao Fa Zhi Xing Zhong No. 42

Michelin Case VII

Tire manufacturing

Representing Michelin in prevailing in a design patent infringement suit, in which the trial court and the court of appeal both found the tire products manufactured, sold and offered for sale by a Chinese company infringes on Michelin's design patent over tread pattern, ordered cessation and awarded damages of RMB 500,000 (inclusive of reasonable cost).

Shandong High Court, (2023) Lu Min Zhong No. 443

GUI Case

Software

Representing the client in successfully revoking an unfavourable administrative decision made by a local AMR authority by leveraging the findings of the distinguishing design features in the CNIPA decision to contradict the patentee's arguments in the infringement proceeding as it breaches the estoppel principle. The approach finally led to the non-infringement finding of the court of appeal. *This is SPC's first administrative decision concerning infringement assessment of GUI design patent.*

SPC, (2021) Zui Gao Fa Zhi Xing Zhong No. 78/79

Decathlon Case II

Sports goods

Successfully defending Decathlon against the retaliatory invalidity action initiated by a major Chinese infringer and obtaining favorable court decisions in patent infringement suit against such infringer. The validity of the patent at issue was maintained in the invalidity proceeding and the courts ordered the cessation of the infringing acts and awarded monetary damages in civil proceeding. The case has been selected as one of the *exemplary cases of China IP Magazine*.

Guangdong High Court, (2019) Yue Min Zhong No. 1448

MAPED Case

Stationery and educational supplies

Representing MAPED in patent infringement lawsuit against the manufacturer and distributor of infringing scissors through first and second instance as well as re-adjudication, obtaining the SPC's confirmation that "extra design" element has no material impact on the determination of patent infringement. The case has been selected as *SPC's 50 Exemplary IPR Cases of 2013*.



*SPC
(2013) Min Shen Zi No. 29*

Wanhuida IP Case Highlights Collection



PART 6

Copyright

Michelin Case VIII

Tire manufacturing

Representing Michelin in a copyright infringement suit against the infringer selling a brooch product, which is substantially similar to the client's Running Michelin Man work of fine arts. The court of appeal found infringement, ordered cessation and awarded damages.

*Dongguan Intermediate Court
(2019) Yue 19 Min Zhong No. 11423*

Exception Case

Apparel and Footwear

Representing the client in revoking an administrative punishment decision made by local copyright enforcement agency based on the complaint filed by the copyright owner of a design. The Court of appeal confirmed non-infringement based on the finding that though registered with the copyright office, the said design does not qualify as fine art. The case has been listed by Guangzhou IP Court as one of *its Top 10 IP Exemplary Cases in 2016*.

*Guangzhou IP Court
(2016) Yue 73 Xing Zhong No. 2*

TOPEIGHT Case

Photography

Representing TOPEIGHT in the copyright infringement lawsuit initiated by Queenlines and obtained favorable ruling for the client. The case led to the SPC's affirmation that registration of works that serves as the proof for the ownership of copyright, in general, does not constitute publication as prescribed by the Copyright Law, therefore, it would be inappropriate to make the presumption that the defendant has access to the works of the plaintiff unless otherwise proved by evidence. The case has been selected by the *Annual Report of the Supreme People's Court on Intellectual Property Cases (2010)*.

SPC
(2010) Min Shen Zi No. 281

Crayon Shin-chan Case

Culture and Entertainment

Representing Futabasha Publishers Ltd. in winning a copyright infringement suit against the infringers that pre-emptively registered its copyrighted Crayon Shin-chan artwork as trademarks and used such on various goods. We successfully persuaded the Supreme Court to order a retrial, which led to the affirmation that a civil litigation can be lodged in China by the copyright owner against the use of a registered trademark. The court found that copyright and the exclusive right to use a registered trademark, are two separate civil rights with their own boundaries. The right owner, when executing his legitimate right, shall not infringe other's lawful rights. The court ordered cessation and awarded damages of RMB 300,000. The case was selected by the *Annual Report of the Supreme People's Court on Intellectual Property Cases (2008)*.

SPC

(2007) Min San Jian Zi No. 14-1

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PART 7

Criminal protection

L'Oréal Case II

Cosmetics

Representing L'Oréal in coordinating Shanghai PSB and the PSB authorities in 4 provinces to launch a coordinated raid operation against 16 targets. The action led to the apprehension of 13 suspects and seizure of substantial amounts of counterfeits. The case was later prosecuted before the Shanghai courts, which led to the conviction, imprisonment and fines of 10 culprits. The case has been selected as *SPC's 50 Exemplary IP Cases of 2019*.

Shanghai High Court, (2019) Hu Xing Zhong No. 106

STIHL Case III

Machinery

Representing Stihl in bringing an incidental civil action during criminal proceedings against the counterfeiter before the Court of Yuyao in Zhejiang Province, which adopted all the recommendations made by the Public Prosecutor and pronounced sentences of prison from 2 to 3 years, accompanied by probation periods. Stihl obtained an amount of RMB 500,000 as damages. The case has been selected as *one of the Exemplary IP Cases of Zhejiang Procuratorate in 2021*.

Yuyao Court of Zhejiang Province, (2021) Zhe 0281 Xing Chu No. 352

ABB Case

Industrial Automation

Representing ABB in bringing a private criminal prosecution against a counterfeit seller before a primary court in Wuhu, which found exporter Teaton and its owner Zhang guilty of selling goods bearing counterfeit registered trademarks, sentencing Zhang to 3.5-year imprisonment and imposing RMB 800,000 fines to Zhang and RMB 850,000 fines to Teaton. Both defendants appealed to the Wuhu Intermediate Court, which upheld the decision of the court of first instance. The case has been selected as *SPC's 50 Exemplary IP Cases of 2020*.

*Wuhu Intermediate Court
(2020) Wan 02 Xing Zhong No. 62*

Bordeaux Case II

Food and Beverage

Representing CIVB in holding Shanghai Feitong and its actual operator ZHUGE criminally liable for counterfeiting geographical indication collective trademark “Bordeaux”. The case has been selected as one of the *Shanghai Pudong Court Top 10 Cases of 2020*.

*Pudong New Area Court of Shanghai
(2020) Hu 0115 Xing Chu No. 985*

Fake wine case I

Food and Beverage

Representing a leading multinational alcoholic beverage maker in coordinating the law enforcement officials of Shanghai PSB in launching a series of coordinated raid actions against a major syndicate engaged in manufacturing counterfeit wines, which led to large seizures and the detention of 41 suspects. The case has been selected by the Ministry of Public Security for *its Top 10 Cases in Fighting Counterfeits of 2019*.

Fake wine case II

Food and Beverage

Obtaining a favorable ruling for a famous wine maker in a criminal enforcement and a subsequent court action against a local counterfeiter. The case has been selected as *SPC's Top 10 IP Cases in 2010*.

*Beijing Daxing District Court
(2010) Da Xing Chu Zi No. 320*

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