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On April 26, 2014, the 14th World Intellectual Property Day, the Supreme People's Court, local courts and the Supreme People's Procuratorate all issued IP Typical Cases in 2013, which collectively showed the latest progress of judicial protection of intellectual property in China, summarized the IP judicial experience in China, and provided a lot of fresh material for case study.

This current issue of IP Case Express summarizes and reviews 150 IP Cases to share with you, including the Top 10 Cases, the Top 10 Innovation Cases of the Supreme Court, the Top 50 Classic Cases the Supreme Court announced, the Top 10 IP Cases the Supreme Procuratorate released, and the Top 10 IP Cases issued by Beijing (including Top 10 IP Cases and Top 10 Innovation Cases), Shanghai, Jiangsu, Zhejiang and Guangdong High Courts as well as Shenzhen Intermediate People's Court, where IP cases are concentrated.



As pointed out in *Intellectual Property Cases Annual Report by the Supreme Court*, in 2013, the Supreme Court IP Tribunal accepted 594 intellectual property-related cases, 65.46% more than last year, and concluded 548 IP-related cases. The number of IP cases tried by the Supreme Court in 2013 was the highest number of cases heard by the Court since 2009, and set a new record for a year. The number of technology cases, such as Patent, increased sharply. The legal issues involved insightfully hit basic systems and concepts of patent law and the facts involving technology were more up front and complex, while the market value and interests were gigantic. The number of patent administrative cases is growing rapidly and the proportion of essential patent cases in the fields of medicine, electronics, and communications is increasing as well. There are more patent civil cases in respect to infringement determination rules and the number of new plant varieties

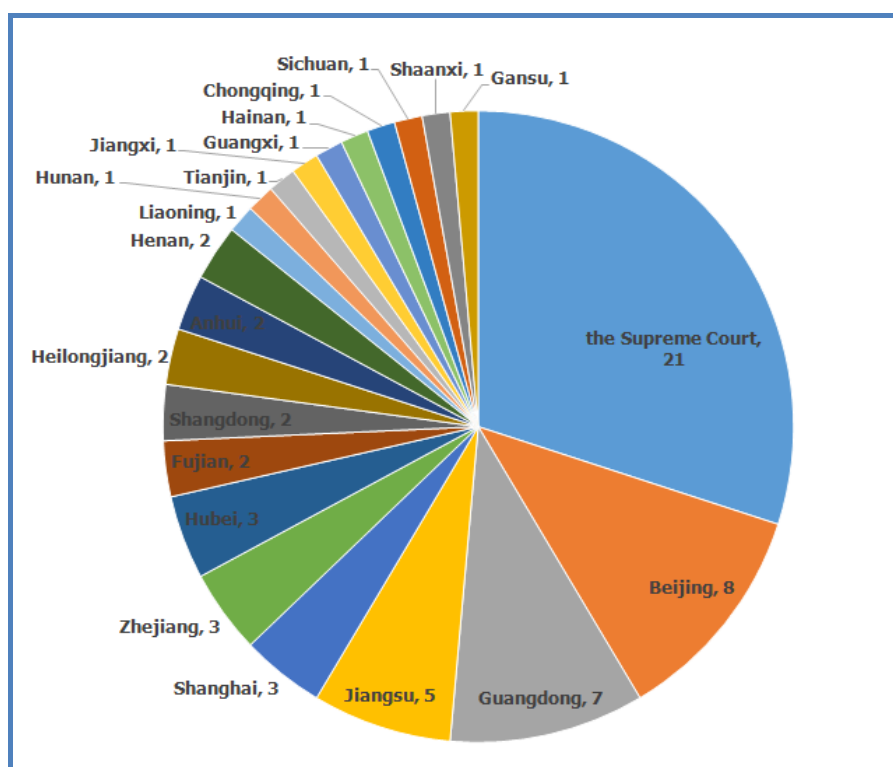
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cases has had a high-speed growth. The number of trademark cases is declining as a whole, and while trademark civil cases are basically stable, trademark administrative cases are increasing, and the proportion of cases involving trademark squatting is large. As correlative cases relating to copyright become more, cases regarding cultural creative industries, such as software, animation, practical art continue to increase. The proportion of competition cases in respect to network technology and new business models is big. Cases regarding trade secrets and counterfeiting continue to increase. It is also the first time the Supreme Court has heard a monopoly case.

From the regional distribution of 70 cases the Supreme Court issued, on the one hand, the regional concentration of these typical cases are relatively high, in which most of the cases are issued by the Supreme Court, accounting for 30%. The Top 3 local courts are Beijing, Guangdong, Jiangsu, accounting for 28.6%. Though only three cases from Shanghai courts were selected, the importance of the selected cases is very high, one was selected in the Top 10 Cases and the other two in the Top 10 Innovative Cases. It is evident that the Supreme Court recognized the IP trial level of the above four local courts. On the other hand, these typical cases are widely distributed. There are cases from a total of 21 local courts at the provincial level selected into the Supreme Court Cases, to some extent, which reflects the improvement of the overall IP trial level in China.

Please refer to the statistics as below:



Regional Distribution of 70 Cases issued by the Supreme Court

Statistics on Typical Cases issued by the Supreme Court and
Local High Courts¹ (Based on the Object)

Type	The Supreme Court Top 10 Top 10 Innovation Top 50 Classic	Beijing High Court Top 10 Top 10 Innovation	Shanghai High Court	Jiangsu High Court	Zhejiang High Court	Guangdong High Court	Shenzhen Intermediate Court
Patent	17	4	0	1	3	1	0
Trademark	21	8	4	3	3	5	3
Copyright	12	4 (4 Cases regarding Information Network Distribution Right)	2 (2 Cases regarding Information Network Distribution Right)	2 (1 case regarding software copyright)	1	1 (1 Case regarding Information Network Distribution Right)	2 (2 Cases regarding Information Network Distribution Right)
Plant Variety	2	0	0	1	0	0	0
Unfair Competition	8 (5 cases regarding trade secrets)	2	2 (2 cases regarding trade secrets)	2 (1 criminal and civil case regarding technical secret; 1 civil case regarding trade secrets)	2 (2 criminal cases regarding trade secret)	1 (1 criminal case regarding trade secret)	3 (1 criminal case regarding trade secret)
Monopoly	2	0	1	0	0	0	0
Contract	5	1	1	0	0	1	1
Others	3 (1 criminal case on producing and selling counterfeited products, 1 case regarding	1 (copyright pre-suit injunction)		1 (Customs Administrative Enforcement)	1 (Customs Administrative Enforcement)	1 (Royalty Fee of Standard Essential Patent)	1 (Administrative Handling regarding Trademark Infringement)

¹For case in respect to trademark and unfair competition, it is classified into trademark case.

	Copyright Pre-suit Injunction; 1 case regarding Royalty Fee of Standard Essential Patent)						
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From the cases issued by the Supreme Court and local courts, the following several new trends are worth paying close attention to:

1. The proportion of copyright infringement cases related to software and the right of information network distribution is remarkably increasing and most of the copyright cases announced by the five local courts are related to those two areas. In fact, it is also reflected in the area of administration. For example, in the Top 10 Cases regarding cracking down on piracy published by National Copyright Administration in 2013, 5 cases were related to copyright and information network distribution infringement. The key issues in the published cases include jurisdiction of infringement act, the determination of nature and responsibility of using copyright by an operator under the condition of innovation of network business mode, and the defense of fair use, which embodies the new thought of courts to deal with copyright infringement in the age of the Internet.

2. Since the implementation of the new Civil Procedure Law in 2013, cases of pre-suit preservation of act in the field of IP sprung up, among which, 2 of the cases Beijing High Court released involved a preliminary injunction, i.e. "Qian Zhongshu Letters Manuscript Auction" case and "Abbott Milk Powder Cans" case (the first one involving a design patent right), which has received widespread attention. While in the "Eli Lilly and Company Trade Secret Infringement" case, Shanghai High Court granted a preliminary injunction in the infringement lawsuit regarding trade secrets for the first time. The above cases involve copyright, patent and business secrets. Among these cases, "Qianzhongshu letter case" was selected in the Top 10 IP Cases of the Supreme Court, "Abbott Milk Powder Cans case" was published by the Supreme Court in April, 2014 as one of the five guiding cases in the third monthly released *People's Court Cases* and "Lilly case" was selected in the Top 10 Innovative Cases of the Supreme Court. It is predictable that a preliminary injunction is likely to be widely used in the future, as long as the IP infringement cases conform to Article 100 of the Civil Procedural Law.

3. Since the Anti-monopoly Law was promulgated in 2008, antitrust cases have been amongst the most popular in the past five years. Among them, the Johnson & Johnson vertical monopoly agreement dispute cases tried by Shanghai High Court were selected in the Top 10 Innovative Cases of the Supreme Court. *Huawei vs. IDC*, a case tried by Guangdong High Court, regarding abuse of a dominant market position, obtained high exposure and generated an extraterritorial influence. In addition, the first court session for a monopoly case, by the

Supreme Court in November 2013, received widespread attention, which has not been pronounced so far. This monopoly case is the appeal filed by Beijing Qihoo Technology Co., Ltd against Tencent Technology (Shenzhen) Co., Ltd. and Shenzhen Tencent Computer Systems Co., Ltd. for dissatisfaction with the first-instance judgment awarded by Guangdong High Court.

[NSSC Case represented by NTD Selected into Top 10 Cases of Beijing Court and Top 50 Classic Cases of the Supreme Court](#)

It is worth noticing that one case represented by NTD has been selected into the typical case collection of both the Top 10 IP Cases of Beijing Court in 2013 and the Top 50 Classic IP Cases of China issued by the Supreme Court (only four patent administrative litigations were selected). The patent involved in the case of *NSSC vs. Patent Reexamination Board and Li Jianxin on Patent Invalidation Decision* (Beijing High Court Administrative Judgment (2013) Gao Xing Zhong Zi No.1754) was first invalidated in *Patent Reexamination Board*, then the decision was upheld by the court of first instance and finally overturned by the court of the second instance, which supports the claim of the patentee. During the 2 year and 3 month legal procedure, the NTD team put a great deal of effort and produced a lot of inventive work to successfully protect the core intellectual property rights of the client.

The focus of the dispute are issues regarding the inventiveness of a chemical composition or mixture. Both, the invalidation decision and the first-instance judgment held that the three-step method does not involve any inventive step for a person skilled in the art to obtain the claimed technical solution by adjusting the compositions and their content. This is also a mainstream view in the field for this kind of case so the possibility of overturning the case is very slim. Taking into account of the high importance of the case to the client, NTD endeavored to select an experienced attorney with the specific sub-divisional technical background, to make the plan actively and carefully design the litigation strategy, based upon in-depth discussion with the patentee and detailed preparation of the documents. Furthermore, through a series of tough coordination work, NTD successfully won the opportunity for the patentee's R&D staffs to testify in the second-instance hearing as expert witnesses, which strongly supported patentee's argument regarding inventiveness.

In this case, NTD's attorneys emphasized the characteristics of alloy steel, and inventively put forward that the three-step method could not be applied if the technical effect resulting from the modification of the compositions and their contents could not be expected by a person skilled in the art. Therefore, in such circumstances, inventiveness should be judged by determining whether the technical solution brings an unexpected technical effect. During the litigation process, a lot of evidence was presented by NTD attorneys to deeply elaborate that the technical effect of the disputed technical solution was obviously superior and unexpected over the prior arts. The judge of the second-instance finally accepted NTD's arguments and issued the judgement that has significant reference value for inventiveness determination in the alloy steel or even chemical or biology field.

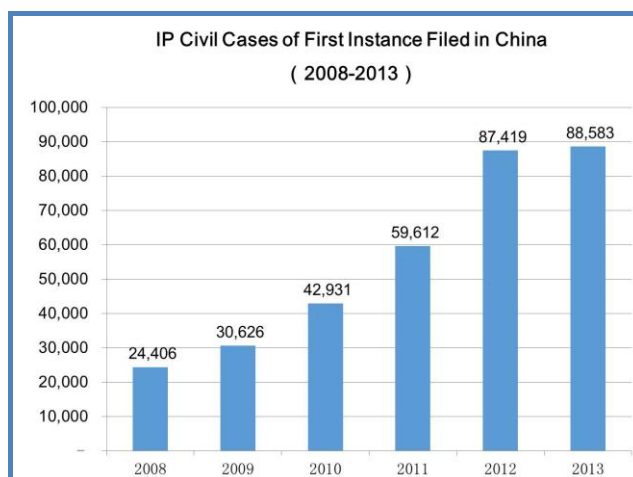
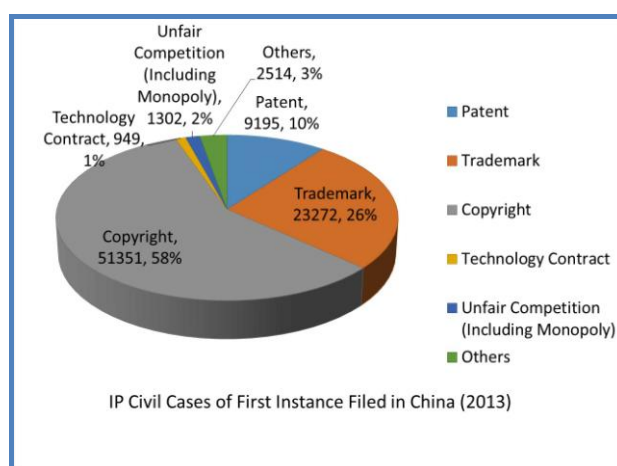
I. Statistics Share

Source : [Intellectual Property Judicial Protection by Chinese Courts in 2013](#) issued by the [Supreme Court](#)

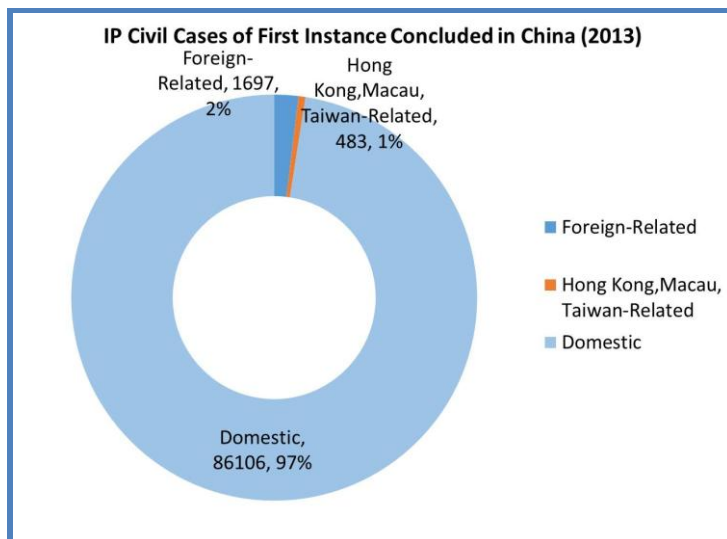
In 2013, Chinese courts concluded a total number of 114,075 IP cases at first instance and second instance.

IP Civil Litigation:

1. In 2013, the number of first instance civil intellectual property cases accepted by local courts was 88,583 and the numbers of each case type are listed below:

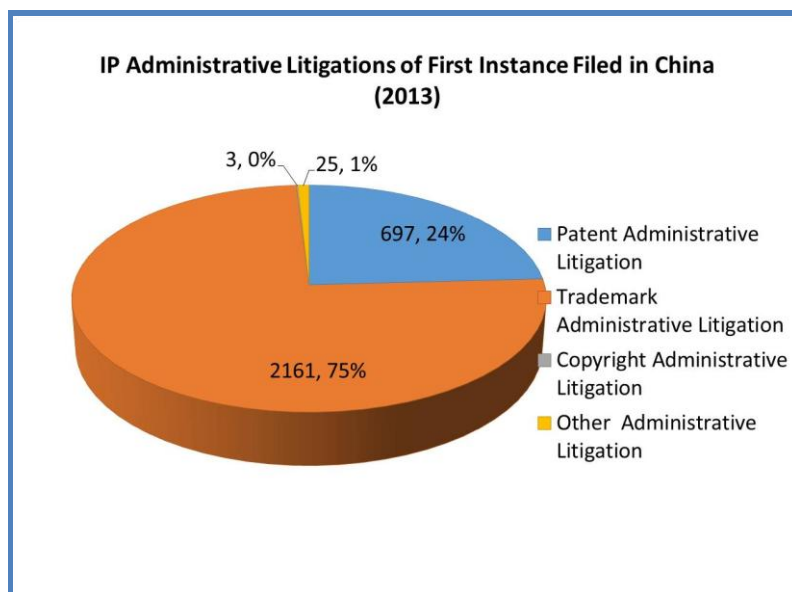


- Local courts concluded 88,286 first instance civil intellectual property cases, including 1,697 foreign-related cases, 483 cases involving parties either from Hong Kong, Taiwan or Macao, and 69 monopoly civil cases.

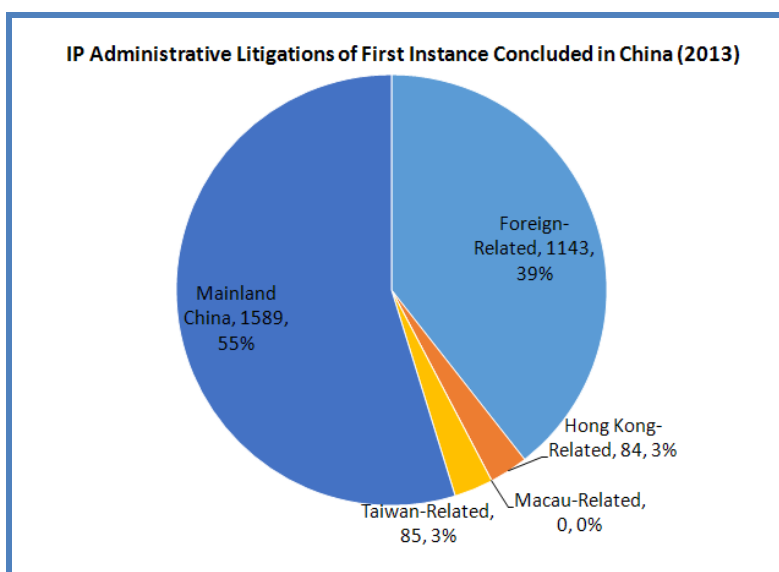


IP Administrative Litigation:

- In 2013, local courts accepted 2,886 first instance administrative intellectual property cases, including 697 patent cases, 2,161 trademark cases, 3 copyright cases and 25 cases in other types.

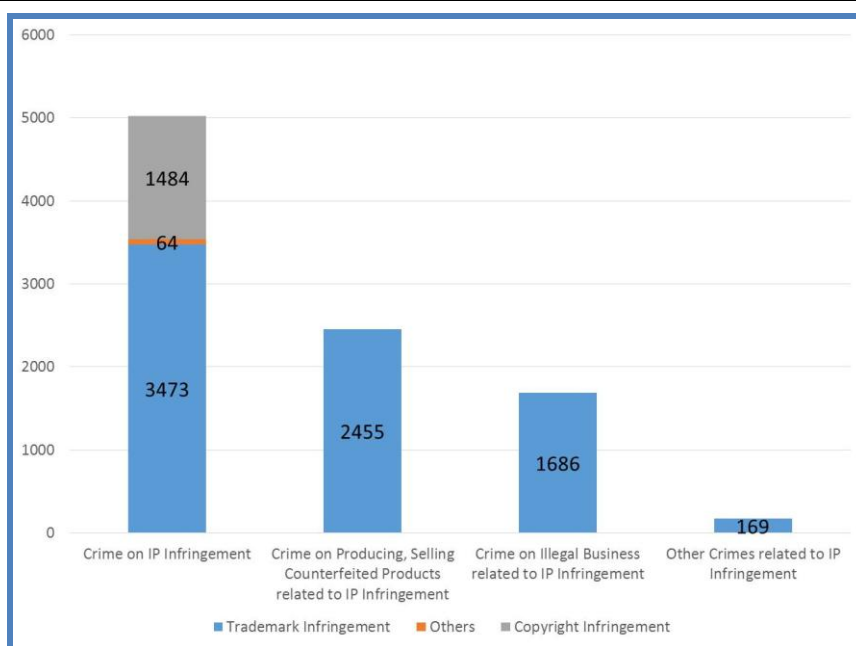


- Local courts concluded a total number of 2,901 (including old cases) first instance administrative intellectual property cases. The number of first instance cases involving foreign parties or parties from Hong Kong, Macao or Taiwan continued to account for a large percentage of the cases. The total number of cases was 1,312, representing 45.23% of the concluded intellectual property-related administrative cases of first instance.




IP-Related Criminal Cases:

- In 2013, the number of new intellectual property-related criminal cases of first instance accepted by local courts was 9,331 , including 5,021 intellectual property infringement cases (3,473 involved infringement of registered trademarks, 1,484 involved copyright infringement); 2,455 were intellectual property infringement cases involving the criminal production and sale of fake or inferior goods; 1,686 were intellectual property infringement cases involving the crime of illegal business operations; 169 were cases of another nature.

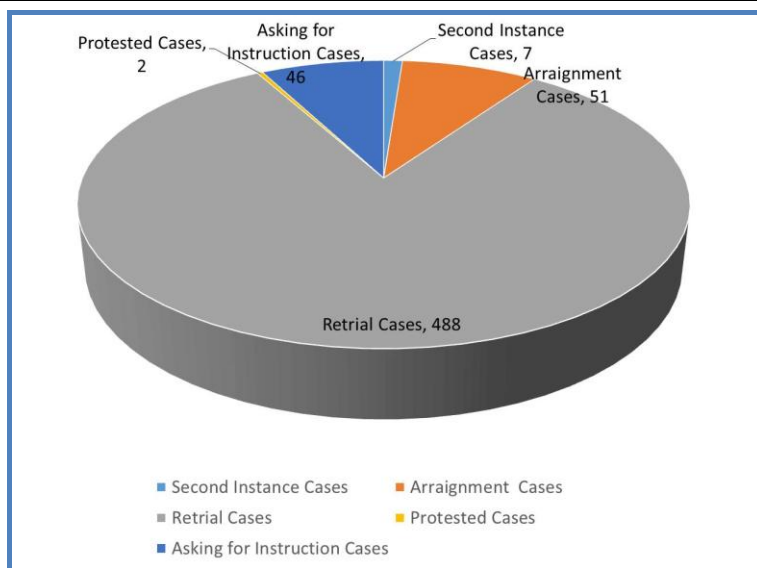


2. 9,212 intellectual property-related criminal cases of first instance were concluded by the local courts. The number of persons against whom judgments were effective totalled 13,424, including 13,265 who were given criminal sanctions.

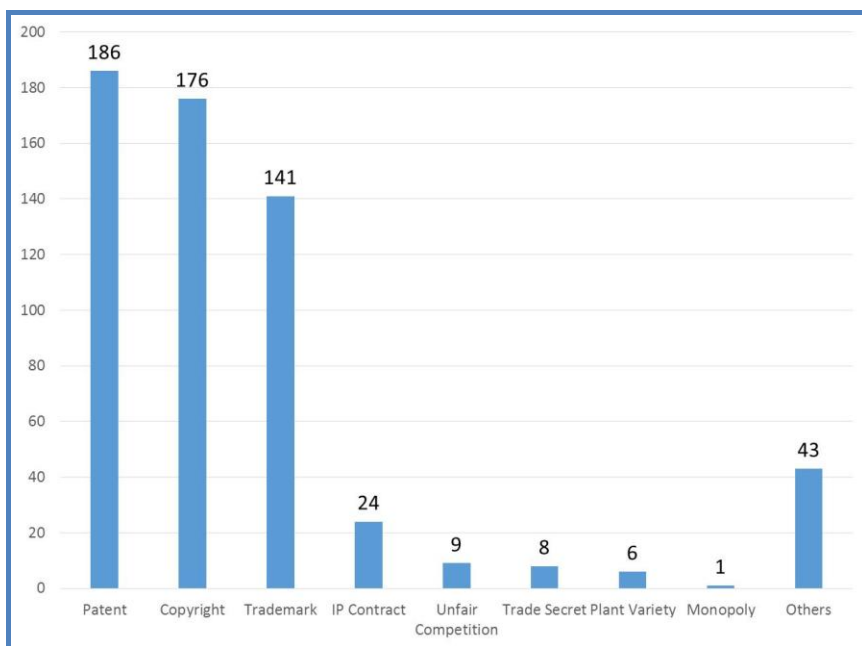
Source : Intellectual Property Cases Annual Report by the Supreme Court in 2013

 In 2013, the Supreme Court IP Tribunal accepted 594 intellectual property-related cases, 65.46% more than last year.

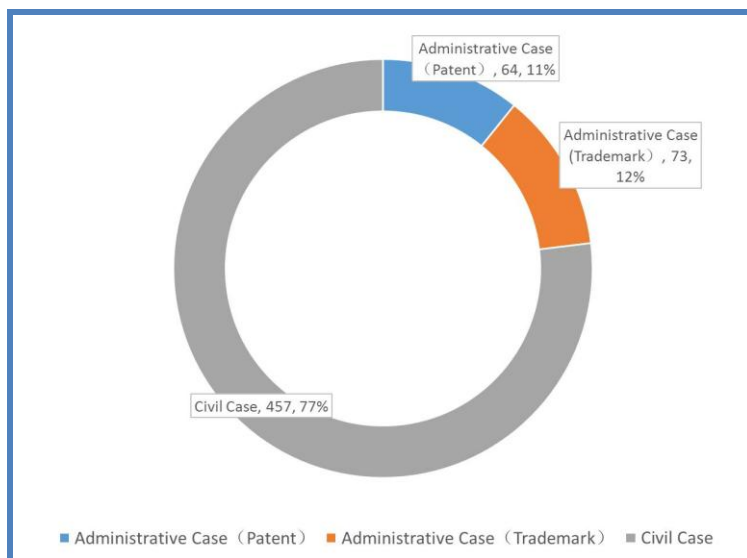
1. According to case trial proceedings, there were 7 second instance cases, 51 arraignment cases, 488 retrial cases, 2 protested cases and 46 cases asking for instructions among the accepted cases.



2. As to case type, cases of patent, copyright and trademark ranked Top 3.

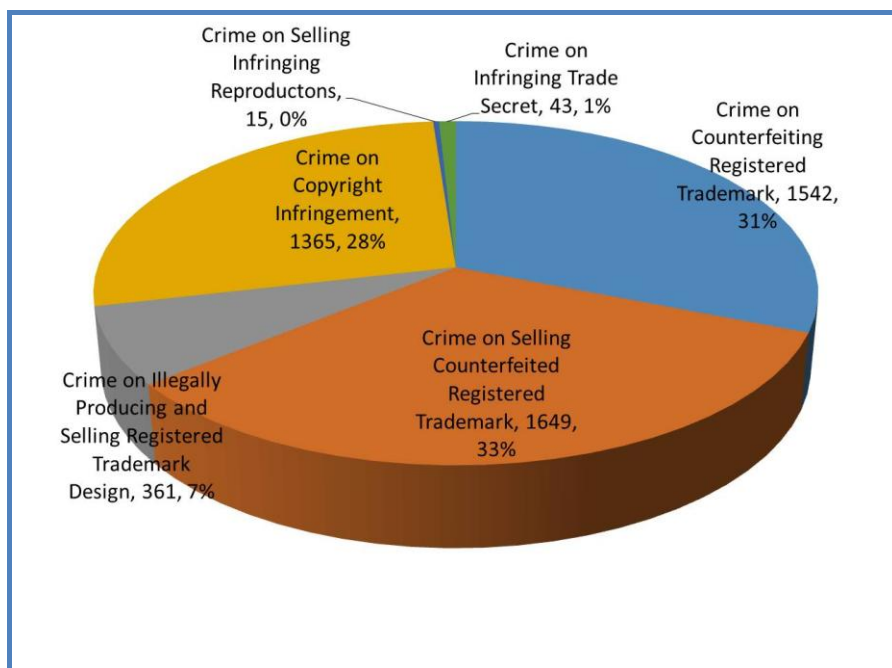


3. A total number of 457 civil cases account for a large percentage of all the accepted cases. 137 administrative cases were accepted, including 64 cases related to patent administrative litigation and 73 cases related to trademark administrative litigation.



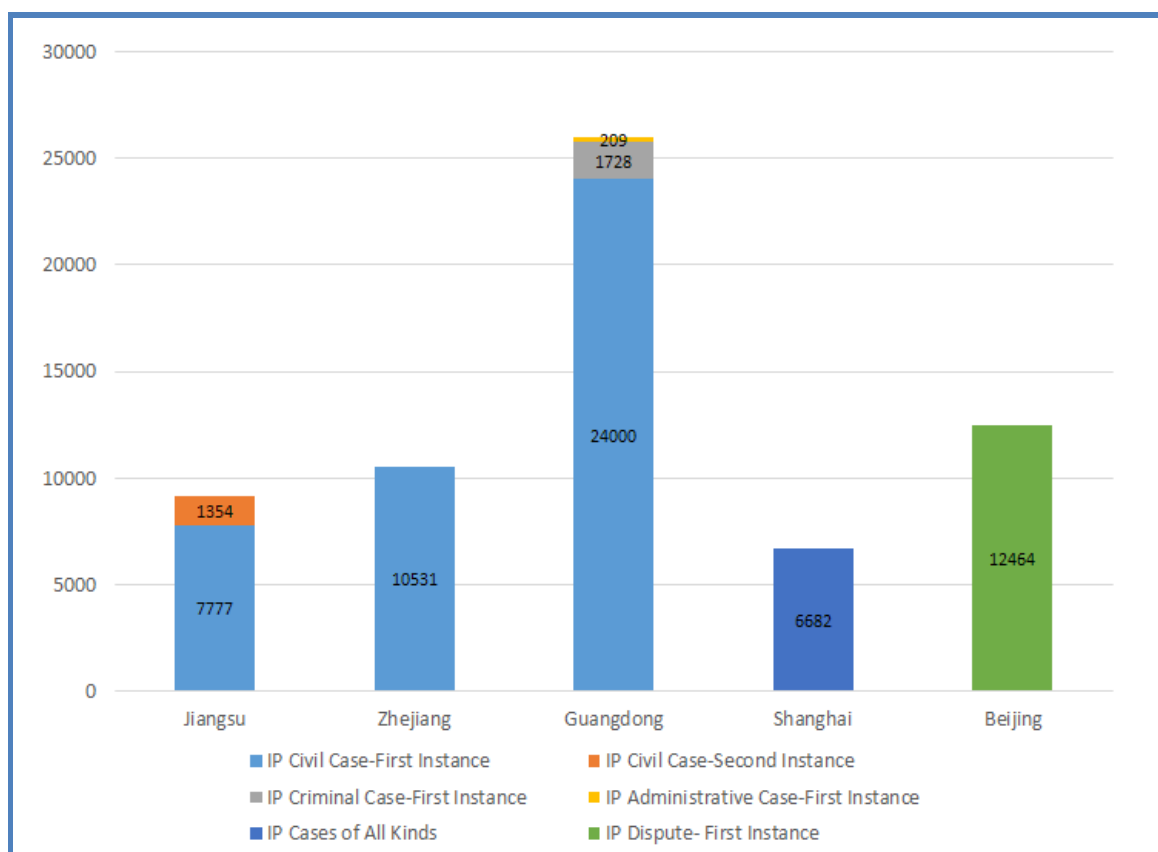
Source : Press Conference Published by the Supreme Procuratorate on April 22

- In 2013, local Procuratorates approved the arrest of 5,081 persons in 3,272 IP-related criminal cases and instituted public prosecution against 8,232 persons in 4,975 IP-related criminal cases.



IP Case Filed to Local Courts in Beijing, Shanghai, Jiangsu, Zhejiang, Guangdong in

2013:



II. 2013 IP Cases Lists

【The Supreme Court】



- Top 10 IP Cases
- Top 10 Innovative
- Top 50 Classic

2013 Chinese Courts Top 10 IP Cases	
Issued by the Supreme Court	
I. Civil Lawsuits on Intellectual Property	
01	<p>Patent Infringement Dispute in respect of Equivalence Determination in New Material Technology Field <i>Hunan Corun New Energy Co., Ltd. vs. Alantum Advanced Technology Materials (Dalian) Co., Ltd</i> regarding Invention Patent Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2011) Su Zhi Min Zai Zhong Zi No.1 <p>Remarks: For a patent technical solution obtained by optimization and combination of prior arts, especially, a technical solution including technical features defining range of value with specific endpoints, the doctrine of equivalency should be strictly applied.</p>
02	<p>“Weiji” Soy Sauce Trademark Infringement & Unfair Competition Dispute <i>Foshan Hai Tian Flavoring & Food Company Limited. vs. Foshan Gao Ming Weiji Seasoning Food Co., Ltd</i></p> <ul style="list-style-type: none"> - Guangdong Province Foshan Intermediate People’s Court - Civil Judgment (2012) Fo Zhong Fa Zhi Min Chu Zi No.352 <p>Remarks: This lawsuit is about sale of soy sauce illegally using industrial salt, which has caused</p>

	<p>wide attention among the public. The court held Weiji Company’s activities constituted trademark infringement and unfair competition, ordering it to stop using the trade name and change its enterprise name within a specified period of time. With respect to damage compensation, in view there was proof showing the right owner had suffered great loss from the infringement but the existing evidence was not sufficient to directly prove its actual loss. The court determined the amount of damage compensation on the basis of audit sheets and other available evidence, making the court-rendered damage compensation close to the actual loss of the right owner, so that the right owner got compensated to the largest possible extent.</p>
<p>03</p>	<p>Pre-Suit Injunction on Auction of Qian Zhongshu’s Letters and Manuscript Pre-Suit Injunction filed by YANG Jikang against Sungari International Auctioning Co., Ltd and LI Guoqiang</p> <ul style="list-style-type: none"> - Beijing No.2 Intermediate People’s Court - Civil Adjudication (2013) Er Zhong Bao Zi No.9727 <p>Remarks: This is the first preliminary injunction from Chinese courts about the right of personality of copyright, and also the first preliminary injunction rendered against an infringement of copyright since the amended Civil Procedure Law took effect. The rightful holder expressly objects to the publication of related letters and manuscripts, whereas the imminent auction and ongoing exhibition and other activities will infringe the rightful holder’s copyright, the rightful holder has the right to apply for pre-suit injunction.</p>
<p>04</p>	<p>“Ultraman” Copyright Infringement Dispute <i>Tsuburaya productions Inc., Shanghai Tsuburaya Planning Co., Ltd vs. Sompote Saengduenchai, Cai Yao Copyright Co., Ltd, Guangzhou Book Center Co., Ltd and Shanghai Audio & Video Publishing House</i></p> <ul style="list-style-type: none"> - The Supreme Court - Civil Adjudication (2011) Min Shen Zi No.259 <p>Remarks: To decide on the admissibility of the appraisal conclusions made by foreign appraisal bodies, Chinese courts shall examine their truth, relevance and validity in accordance with the relevant Chinese laws, and shall not simply rely on the appraisal conclusions to make a ruling.</p>
<p>05</p>	<p>Trade Secret Infringement Dispute Regarding Resin Patent Related Information <i>SI Group, SI Chemical (Shanghai) Co., Ltd vs. Sino Legend (Zhangjiagang) Chemical Co., Ltd and XU Jie</i></p> <ul style="list-style-type: none"> - Shanghai High Court - Civil Judgment (2013) Hu Gao Min San (Zhi) Zhong Zi No.93 <p>Remarks:</p>

	<p>In this case, trade secret infringement was apparently not established, so the plaintiff in the case tried to withdraw the suit on the grounds of applying for an additional defendant. To make the defendant avoid instability of suspected infringement for a long period, the court, according to the bona fide principle, rejected the two plaintiff's withdrawal applications and dismissed their claims based on the court's overall consideration of the facts and evidence of the case.</p>
06	<p>Dispute relating to Standard Essential Patent Licensing Fees <i>Huawei Technology Co., Ltd vs. IDC Corporation</i></p> <ul style="list-style-type: none"> - Guangdong High Court - Civil Judgment (2013) Yue Gao Fa Min San Zhong Zi No.305 <p>Remarks: This is the first case about a dispute on the royalty rate of standard-essential patents as a cause of action in China. Moreover, it is also the first case in China in which a court determined the royalty rate by applying the FRAND principles, and puts forward the specific reference factors for the rate calculation. It provides a demonstration for modification and improvement for civil cases in terms of the cause of action while playing a significant role in the matter of the application of Intellectual Property Law.</p>
07	<p>Determination of Invalidity of "Liang You 996" Plant Varieties Right License Agreement <i>Fujian Chaoda Modern Agriculture Co., Ltd vs. Anhui Province Agriculture Academy Rice Research Institute</i></p> <ul style="list-style-type: none"> - Anhui High Court - Civil Adjudication (2012) Wan Min San Zhong Zi No.81 <p>Remarks: This case relates to the promotion of Cross-Strait agriculture (especially the Crop seed-breeding) and innovation with the new cooperation model of Cross-Strait agriculture. The Court of second instance held that simply determining the validity of contracts by the Court of first instance cannot solve the disputes between the parties. The Court also found that a settlement agreement reached among the parties and the involved outsiders of the case is a package solution to such disputes, and creates multi-win results for all parties.</p>
<p>II. Administrative Lawsuits on Intellectual Property</p>	
08	<p>Protection of "Shengxiang in Chinese" Well-Known Trademark <i>Shengxiang Group Co., Ltd vs. Trademark Review and Adjudication Board, Hebei Guangtai Gypsum Mining Co., Ltd</i></p>

	<ul style="list-style-type: none"> - The Supreme Court - Administrative Judgment (2013) Xing Ti Zi No.24
	<p>Remarks:</p> <p>The grant of well-known trademark status requires a full examination of existing evidence of fame, taking into account the degree of the public’s awareness of the trademark, scope of the use and advertisement of the trademark, and the promotion and marketing by related media.</p>
09	<p>Trademark Administrative Lawsuit on “Jin Jun Mei in Chinese” Generic Term</p> <p><i>Wuyishan Tong Mu Tea Co., Ltd vs. Trademark Review and Adjudication Board, Fujian Wuyishan State-level Natural Reserve Area Zhengshan Tea Co., Ltd</i> regarding Review on Opposition</p> <ul style="list-style-type: none"> - Beijing High Court - Administrative Judgment (2013) Gao Xing Zhong Zi No.1767 <p>Remarks:</p> <p>Whether a trademark is a generic term generally shall depend on the situation at the time of the trademark application. However, if a trademark is not a generic term at the time of the trademark filing but has grown into a generic term at the time of registration, it shall be deemed a generic term in the industry.</p>
III. Criminal Cases on Intellectual Property	
10	<p>Criminal case of Counterfeiting Cooking Oil related Registered Trademark</p> <p>Zong Liangui and another 27 persons Counterfeiting Registered Trademark</p> <ul style="list-style-type: none"> - Henan High Court - Criminal Adjudication (2013) Yu Fa Zhi Xing Zhong Zi No.2 <p>Remarks:</p> <p>Chinese courts are strengthening IPR criminal judicial protection to maintain market order, through the use of more severe property punishment against the crime of infringement of intellectual property rights, by depriving criminals of economic capacity and conditions for repeat offense.</p>

2013 Chinese Courts Top 10 Innovative IP Cases

Issued by the Supreme Court

01	<p><i>Beijing Rui Bang Yong He Science and Trade Co., Ltd vs. Johnson & Johnson (Shanghai) Medical Ltd, Johnson & Johnson (China) Medical Ltd.</i> regarding Vertical Monopoly Contract Dispute</p> <ul style="list-style-type: none"> - Shanghai High Court
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	<p>- Civil Judgment (2012) Hu Gao Min San (Zhi) Zhong Zi No.63</p> <p>Remarks: Any party to a vertical monopoly agreement has the right to appeal against the monopoly agreement. Agreements, decisions or other concerted conducts that are designed to restrict the lowest resale price and show the effects of eliminating or restricting competition can be deemed as monopoly agreements. The economic effect of restricting the lowest resale price can be comprehensively measured from four aspects, including whether the relevant market competition is adequate, whether the enterprise implementing such conducts possesses a strong market position, whether the enterprise implementing such conducts has the motivation of restricting competition and the competition effect after the implementation of such conducts.</p>
02	<p>Technical Know-How Infringement Dispute between Eli Lilly and Company, Eli Lilly (China) R&D Corporation and HUANG Mengwei</p> <p>- Shanghai No.1 Intermediate People's Court - Civil Judgment (2013) Hu Yi Zhong Min Wu (Zhi) Chu Zi No.119</p> <p>Remarks: It is the first time in China that a Behavior Injunction is applied in a trade secret infringement case according to the new Civil Procedure Law. It is pointed out by the judge that several factors should be considered when issuing a Behavior Injunction, such as the substantial possibility of winning, whether the plaintiff will suffer irrevocable loss, the balance of interests between the parties and whether the public interests are violated, etc. Moreover, it also needs to notify the respondent its legal obligation in Court to enforce the execution of the Injunction.</p>
03	<p><i>Baidu Online Network Technology (Beijing) Co., Ltd vs. Beijing 360 Science and Technology Co., Ltd</i> regarding Unfair Competition Dispute</p> <p>- Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.2352</p> <p>Remarks: Internet products or service providers shall observe the principle of non-interference unless it is for the sake of public interest, i.e., as a general principle, Internet products or services shall not interfere with each other, unless for the sake of public interests and it is within the necessary reasonable boundaries.</p>
04	<p><i>Google vs. Wang Xin</i> regarding Copyright Infringement</p> <p>- Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.1221</p> <p>Remarks: In this case, the Beijing High Court explored the rules for determining fair use in Internet copyright disputes. In principle, the accused use of the copyrighted materials will be considered infringement unless the user can prove such use constitutes fair use. In the meantime, if it constitutes fair use, acts of reproduction may also constitute fair</p>

	use when the reproduction is for the purpose of fair use.
05	<p><i>Tianjin Tian Long Seeds Technology Co., Ltd vs. Jiangsu Xu Nong Seeds Technology Co., Ltd</i> regarding Plant Varieties Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2011) Su Zhi Min Zhong Zi No.194; (2012) Su Zhi Min Zhong Zi No.55
	<p>Remarks:</p> <p>For safeguarding national food security strategy and realizing the value of intellectual property, the judge in this case learned from the compulsory license system to handle the dispute concerning a new plant variety. On the premise that male and female parent are equally important for breeding the concerned varieties, each party is directly ordered by the Court to grant a royalty free license to the other, in order to continuously breeding the new variety of plant which had been widely promoted.</p>
06	<p><i>Zhongshan Long Cheng Daily Products Co., Ltd vs. Hubei Tong Ba Children's Appliances Co., Ltd</i> regarding Utility Model Patent Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Judgment (2013) Min Ti Zi No.116
	<p>Remarks:</p> <p>In this case, the judge held that the legal nature of compensation agreed in the settlement agreement for future infringement reached by the patent owner and infringer can be deemed as a simple and convenient method mutually agreed between the infringer and the rightful owner in advance for calculating and determining the amount of the loss to the rightful owner or the gains of the infringer for future infringement.</p>
07	<p><i>Beijing King Roast Duck Co., Ltd vs. Shanghai Huaihai King Roast Duck Co., Ltd,</i> Trademark Review and Adjudication Board regarding Review on Trademark Opposition</p> <ul style="list-style-type: none"> - The Supreme Court - Administrative Adjudication (2012) Zhi Xing Zi No.9
	<p>Remarks:</p> <p>“Unfair means” as stipulated in Article 31 of the Trademark Law of China refers to the circumstance where the prior unregistered trademark has achieved a certain degree of influence through prior use, the applicant of the later trademark is aware or should be aware of the prior trademark and has filed the trademark application in bad faith to take advantage of the prior trademark’s fame.</p>
08	<p><i>LI Longfeng vs. Trademark Review and Adjudication Board, Sanya Haitangwan Property Management Committee</i> regarding Trademark Cancellation Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Administrative Adjudication (2013) Zhi Xing Zi No.41
	<p>Remarks:</p> <p>It is unfair and unjust to gather trademark registrations when the registrants have no real</p>

	intention to use the registered trademarks. Such trademark registrations should be cancelled on the ground of acquiring the registration by other “unfair means” according to Article 41.1 of Trademark Law of China.
09	<p><i>Cubist Pharmaceuticals, Inc vs. Patent Reexamination Board regarding Invention Patent Invalidation Dispute</i></p> <ul style="list-style-type: none"> - The Supreme Court - Administrative Adjudication (2012) Zhi Xing Zi No.75
	<p>Remarks:</p> <p>It was stated by the Supreme Court in the retrial ruling that a Swiss-type claim involving a second medical use is a method claim, wherein features such as dosage and dose interval only relate to the method of taking drugs rather than method of preparing drugs. Therefore features involving medication use rather than pharmaceutical application do not define the protection scope of claims of pharmaceutical preparation method.</p>
10	<p>Conviction of Crime of Infringing Trade Secrets, Jiangxi Yi Bo Electronics Technology Co., Ltd, Zhongshan Wode Printing Equipment Co., Ltd, YU Zhihong, LUO Shihe, LI Yinghong, XIAO Wenjuan</p> <ul style="list-style-type: none"> - Guangdong Province Zhuhai Intermediate People’s Court - Criminal Judgment (2013) Zhu Zhong Fa Xing Zhong Zi No.87
	<p>Remarks:</p> <p>This is the largest criminal case nationwide in respect to infringement of trade secrets involving business information. The fines imposed by the Court were a record high of 37 million RMB for a trade secret infringement crime case in China. It was a successful case since the “three-in-one” integrated trial model (that is, the civil, criminal and administrative cases concerning IP rights are all heard by the IP Tribunal) has been implemented in the trial of IP cases by Guangdong Court.</p>

2013 Chinese Courts Top 50 Classic IP Cases

Issued by the Supreme Court

I. Civil Lawsuits on Intellectual Property

1. Patent Infringement Disputes

01	<p><i>MAPED vs. Yangjiang Bonly Trading Co., Ltd., Yangjiang Ewin Knife & Scissors Co., Ltd.</i> regarding Design Patent Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Adjudication (2013) Min Shen Zi No.29
02	<p><i>Yibin Changyi Alpha-pulp Co., Ltd. vs. Weifang Henglian Plasm Paper Co., Ltd.,</i></p>

	<p><i>Chengdu Xin Rui Xin Plastics Co., Ltd.</i> regarding Invention Patent Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Adjudication (2013) Min Shen Zi No.309
03	<p><i>Beijing Jerrat Springs Damper Technology Research Center vs. BEIJING JZTH BUFFER TECHNOLOGY CO., Ltd. and Wang Hanxia</i> regarding Utility Model Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Adjudication (2013) Min Shen Zi No.1146
04	<p><i>Guilin Pharmaceutical Co., Ltd. vs. Sanmenxia Sinoway Pharmaceutical Co., Ltd.</i> regarding Design Patent Infringement Dispute and Unauthorized Use of Specific Package and Decoration to Famous Commodities</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Judgment (2013) Min Ti Zi No.163
05	<p><i>Chen Shundi vs. Zhejiang Lesheros Household Articles Co., Ltd., He Jianhua and Wen Shidan</i> regarding Invention Patent Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Judgment (2013) Min Ti Zi No.225
06	<p><i>Dalian Great Golden Horse Infrastructure Co., Ltd. vs. Dalian Beixing hoisting and Transportation of Component Co., Ltd.</i> regarding Invention Patent Infringement Dispute</p> <ul style="list-style-type: none"> - Liaoning Province Dalian Intermediate People's Court - Civil Judgment (2011) Da Min Si Chu Zi No.23
07	<p><i>SEB vs. Zhejiang ASD</i> regarding Invention Patent Infringement Dispute</p> <ul style="list-style-type: none"> - Zhejiang High Court - Civil Judgment (2013) Zhe Zhi Zhong Zi No.59
08	<p><i>Chen Xikui vs. Jinjiang City Kaida Stone Machinery Co., Ltd.</i> ——Utility Model Infringement Dispute Fujian Province High Court Civil Judgment (2013) Min Min Zhong Zi No.482</p>
09	<p><i>Honda vs. Jiangmen Qipai Motorcycle Co., Ltd., Lifan Industrial (Group) Co. Ltd. and Xiangtan Ruiqi Lifan Motorcycle Sales Co., Ltd.</i> regarding Design Patent Infringement Dispute</p> <ul style="list-style-type: none"> - Hunan Province Changsha Intermediate People's Court - Civil Judgment (2012) Chang Zhong Min Wu Chu Zi No.620
10	<p><i>Jiangmen Yatai Mechanical and Electrical Technology Co., LTD. vs. Lei Bingquan</i> regarding Utility Model Infringement Dispute</p> <ul style="list-style-type: none"> - Guangdong High Court - Civil Judgment (2013) Yue Gao Fa Min San Zhong Zi No.15
2. Copyright Ownership and Infringement Disputes	

11	<p><i>Jilin Fine Arts Press vs. Hainan Press Co., Ltd. and Changchun Ouya (Group)Co., Ltd. Ouya Shang Du</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Adjudication (2012) Min Shen Zi No.1150
12	<p><i>Jingdezhen Franz Industrial Co., Ltd. vs. Chaozhou Galland Ceramics Co., Ltd.</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Adjudication (2012) Min Shen Zi No.1392
13	<p><i>Dou Xiao vs. Beijing New Pictures Co., Ltd.</i> regarding Performance Brokerage Contract Dispute</p> <ul style="list-style-type: none"> - Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.1164
14	<p><i>Chineseall.com Co., Ltd. vs. Beijing Zhi Zhu Network Technology Co., Ltd.</i> regarding Information Network Distribution Right Infringement Dispute</p> <ul style="list-style-type: none"> - Beijing Chaoyang People's Court - Civil Judgment (2013) Chao Min Chu Zi No.8854
15	<p><i>Harbin Churin Food Co., Ltd. vs. Harbin Churin Candy Factory Co., Ltd. and Harbin Churin Lead Foods Co., Ltd.</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Heilongjiang High Court - Civil Judgment (2012) Hei Zhi Zhong Zi No.45
16	<p><i>Beijing Hanyi Keyin Information Technology Co., Ltd. vs. Frog Prince (China) Daily Chemical Co., Ltd., Fujian Shuangfei Daily Chemical Co. Ltd. and Suguo Supermarket Co., Ltd.</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2012) Su Zhi Min Zhong Zi No.161
17	<p><i>Zheng Zihan vs. Hangzhou General Education Research Office</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Zhejiang High Court - Civil Judgment (2012) Zhe Zhi Zhong Zi No.105
18	<p><i>Jiang Youbo vs. Zhou Weijun, Jiangsu People's Publishing House Co., Ltd. and Beijing Fonghong Media Co., Ltd.</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Zhejiang Province Hangzhou Intermediate People's Court - Civil Judgment (2013) Zhe Hang Zhi Zhong Zi No.13
19	<p><i>Guangzhou Wanwei Construction Engineering Consulting Co. Ltd. vs. Guangzhou Panyu Traffic Construction Investment Co., Ltd. and Guangdong Overseas Construction Supervision Co., Ltd.</i> regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Guangdong Province Guangzhou Intermediate People's Court - Civil Judgment (2012) Hui Zhong Fa Min San Zhong Zi No.96
3.Trademark Infringement Disputes	

20	<p>Beijing Dabao Cosmetics Co., Ltd. vs. Dabao Daily Chemical Products Factory and Shenzhen Biguiyuan Chemical Co., Ltd. regarding Trademark Infringement Dispute and Unfair Competition</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Judgment (2012) Min Ti Zi No.166
21	<p>Shaanxi Maozhi Entertainment Co., Ltd. vs. DreamWorks Animation SKG, Inc and Paramount Pictures, Inc. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.3027
22	<p>Lan Jianjun vs. Hangzhou Suremoov Automotive Technology Co., Ltd., Tianjin Suremoov Automobile Repair Service Co., Ltd. and Tianjin Huashang Imported Car Parts Company regarding Trademark Infringement Dispute and Unfair Competition</p> <ul style="list-style-type: none"> - Tianjin High Court - Civil Judgment (2012) Jin Gao Min San Zhong Zi No.46
23	<p>Guangzhou Fangnai Dress Co. Ltd. vs. Li Juhong regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangxi High Court - Civil Adjudication (2013) Gan Min San Zhong Zi No.21
24	<p>Universal Co., Ltd. vs. Qingdao Jitong Stationery Co., Ltd., Qingdao Jitong Pencil Co., Ltd. and Qingdao AEON Dongtai Co., Ltd. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Shandong High Court - Civil Judgment (2013) Lu Min San Zhong Zi No.32
25	<p>Henan Dukang Wine Co., Ltd. vs. Ruyang County Dukang Village Jiuquan Distillery Co., Ltd. and Henan Century Lianhua Supermarket Co., Ltd. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Henan High Court - Civil Judgment (2011) Yu Fa Min San Zhong Zi No.194
26	<p>Hebei Shiyan Wudang SEZ Xianzun Wine Co., Ltd. vs. Hubei Shenwutianzi Wild Grape Wine business Co., Ltd. and Wuhan Tian Zi Wudanghong Wine Industry Sales Co., Ltd. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Hubei High Court - Civil Judgment (2013) E Min San Zhong Zi No.132
27	<p>Guangzhou Food Service Group Co. Ltd. vs. Guangzhou Xiguan Shijia Garden Restaurant Limited regarding Trademark and Time-honored brands License contract Dispute</p> <ul style="list-style-type: none"> - Guangdong High Court - Civil Judgment (2013) Yue Gao Fa Min San Zhong Zi No.123
28	<p>Beijing Wang Zhihe (Guilin fermented bean curd) Food Co., Ltd. vs. Guilin Huaqiao Food Co., Ltd. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Guangxi Zhuang Autonomous Region High Court

	- Civil Judgment (2012) Gui Min San Zhong Zi No.19
29	Louis Vuitton Malletier vs. Sanya Baohong Industrial Co., Ltd. Baohong Grand Hotel, Sanya Baohong Industrial Co. Ltd. and Pan Xiaoi regarding Trademark Infringement Dispute - Hainan High Court - Civil Judgment (2013) Qiong Min San Zhong Zi No.80
30	Chengdu Tongdefu Hechuan Peach Piece Co., Ltd. vs. Chongqing Hechuan Tongdefu Peach Piece Co., Ltd. and Yu Xiaohua regarding Trademark Infringement Dispute and Unfair Competition - Chongqing No.1 Intermediate People's Court - Civil Judgment (2013) Yu Yi Zhong Fa Min Chu Zi No.273
31	Yibin Wu Liang Ye Co., Ltd vs. Jiangxi Better Life Co. Ltd regarding Trademark Infringement Dispute - Sichuan High Court - Civil Judgment (2013) Chuan Min Zhong Zi No.665
32	Prada Co., Ltd vs. Shaanxi Dong Fang Yuan Co., Ltd & Chia Commercial Newspaper regarding Trademark Infringement Dispute and Unfair Competition - Shaanxi Province Xi'an Intermediate People's Court - Civil Judgment (2013) Xi Min Si Chu Zi No.227
4.Unfair Competition, Monopoly Disputes & Others	
33	Tiansheng Pharmaceutical Group Co., Ltd vs. Hainan Guo Dong Co., Ltd & Hainan Xin An Co., Ltd. regarding Technology Transfer Contract Dispute - The Supreme Court - Civil Adjudication (2012) Min Shen Zi No.1542
34	Jichuan Pharmacy Co., Ltd vs. Beijing Fu Rui Kang Co., Ltd regarding Technology Transfer Contract Dispute - The Supreme Court - Civil Adjudication (2013) Min Shen Zi No.718
35	Hubei Jie Da Environmental Engineering Co., Ltd vs. Zhengzhou Embellish of Clean Power Co., Ltd, Chen Tingrong & Wu Xianglin regarding Trade Secrets Dispute over Jurisdiction Objection - The Supreme Court - Civil Adjudication (2013) Min Ti Zi No.16
36	Beijing Tian Dao Xin Yuan Co., Ltd vs. Harbin Air Conditioning Co., Ltd regarding Technology Contract Dispute - Heilongjiang Harbin Intermediate People's Court - Civil Judgment (2011) Ha Zhi Chu Zi No.59
37	Jiangsu Jian Hua Concrete Pile Co., Ltd vs. Shanghai Zhongji Pile Industry Co., Ltd regarding False Propaganda

	<ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2012) Su Zhi Min Zhong Zi No.219
38	<p>Nanjing Guo Zi Green Land Co., Ltd vs. Jiangsu Zi Feng Oasis Hotel regarding Copyright Infringement, Trademark Infringement Dispute and Unfair Competition</p> <ul style="list-style-type: none"> - Jiangsu Nanjing Intermediate People's Court - Civil Judgment (2012) Ning Zhi Min Zhong Zi No. 24
39	<p>Cao Bin vs. Ji'nan Qian Hao Co., Ltd regarding Franchising Contract Dispute</p> <ul style="list-style-type: none"> - Shandong High Court - Civil Judgment (2013) Lu Min San Zhong Zi No.223
40	<p>Xiangyang City Academy of Agricultural Sciences vs. Sichuan Long Ping Co., Ltd regarding Plant Variety Licensing Contract Dispute</p> <ul style="list-style-type: none"> - Hubei High Court - Civil Judgment (2013) E Min San Zhong Zi No.323
41	<p>HUAWEI Co., Ltd vs. IDC Co., Ltd regarding Abuse of Market Ascendancy Dispute</p> <ul style="list-style-type: none"> - Guangdong High Court - Civil Judgment (2013) Yue Gao Fa Min San Zhong Zi No.306
42	<p>Lanzhou Zheng Feng Petrochemical Industry Co., Ltd vs. Wuxi Fen Tu Filter Material Co., Ltd, Wang Jingliang & Wuxi Fen Tu Net Import & Export Co., Ltd regarding Trade Secret Dispute</p> <ul style="list-style-type: none"> - Gansu High Court - Civil Judgment (2013) Gan Min San Zhong Zi No.5
II. Administrative Lawsuits on Intellectual Property	
1. Cases of Patent Right Determination	
43	<p>Seiko Epson vs. Patent Re-examination Board, Zheng Yali, Foshan Kai De Li Co., Ltd & Shenzhen Yi Cai Co., Ltd regarding Invention Patent Invalidation</p> <ul style="list-style-type: none"> - The Supreme Court - Administrative Adjudication (2010) Zhi Xing Zi No.53-1
44	<p>Beijing Century Lian Bao Firefighting New Technology Co., Ltd vs. Patent Re-examination Board & Shanxi Zhong Yuan Co., Ltd regarding Invention Patent Invalidation</p> <ul style="list-style-type: none"> - The Supreme Court - Administrative Judgment (2012) Xing Ti Zi No.20
45	<p>SHIMANO INC., vs. Patent Re-examination Board & Ningbo Sai Guan Co., Ltd regarding Invention Patent Invalidation</p> <ul style="list-style-type: none"> - The Supreme Court - Administrative Judgment (2013) Xing Ti Zi No.21
46	<p>NSSC vs. Patent Re-examination Board & Li Jianxin regarding Invention Patent Invalidation</p> <ul style="list-style-type: none"> - Beijing High Court

	- Administrative Judgment (2013) Gao Xing Zhong Zi No. 1754
2. Cases of Trademark Right Determination	
47	Bonneterie Cevenole S.A.R.L. vs. TRAB & Foshan Mingshi DCo., Ltd regarding Trademark Cancellation Dispute - The Supreme Court - Administrative Judgment (2012) Xing Ti Zi No. 28
III. Criminal Cases on Intellectual Property	
48	Crime of You Yan, Song Bingfeng & Ma Huatao against Copyright - Anhui Province Bengbu Yuhui District Court - Criminal Judgment (2013) Yu Zhi Xing Chu Zi No.2
49	Conviction of Crime of Wang Wenli, Zhang Jianyi & Chen Bangqu at Producing and Selling Counterfeited Products - Fujian Xiamen Intermediate People's Court - Criminal Judgment (2011) Xia Xing Chu Zi No.62
50	Zhou Kaizhong & Cai Xipiao Commit Crime of Counterfeiting Registered Trademark - Hubei Province Yichang Intermediate People's Court - Criminal Judgment (2013) E Yichang Zhong Zhi Xing Chu Zi No.1

【The Supreme Procuratorate】



2013 Chinese Procuratorate Top 10 IP Cases

Issued by the Supreme Procuratorate

01	Conviction of Crime of Infringing Trade Secrets, Jiangxi Yi Bo Electronics Technology Co., Ltd, Zhongshan Wode Printing Equipment Co., Ltd, YU Zhihong, LUO Shihe, LI Yinghong, XIAO Wenjuan - Guangdong Province Zhuhai Intermediate People's Court - Criminal Judgment (2013) Zhu Zhong Fa Xing Zhong Zi No.87
02	Conviction of Crime of Infringing Copyright, Ruichuang Company, Han Meng and other 6 people
03	Jiafei Company regarding Crime at Selling Products with Counterfeited Registered Trademarks
04	Li Haitao and other 2 People regarding Trade Secret Infringement
05	Conviction of Crime of Infringing Copyright, Xinfeishi Company, Zheng Wuyue and Other 17 People - (2013) Zhe Jin Zhi Xing Zhong Zi No.7
06	Conviction of Crime of Zhu Jianjun Infringing Copyright and Luo Mingyong and other 12 People Selling Infringing Reproductions
07	Conviction of Crime of Infringing Copyright, Zhongfu Electric Co., Ltd. and Li Qiang
08	Conviction of Crime of Xiao Zonghua Counterfeiting Registered Trademark; Chen Yuejiao Selling Products with Counterfeited Registered Trademarks - (2014) Xia Xing Zhong Zi No. 17
09	Civil Protest between Tianjin Meat Factory and Song Xiaoman regarding Copyright Dispute
10	Wang Liang, Lin Jie vs. Wuhan AIC regarding Administrative Appeal against Administrative Compulsory Measures

【Beijing High Court】



2013 Beijing Court Top 10 IP Cases

Issued by Beijing High Court

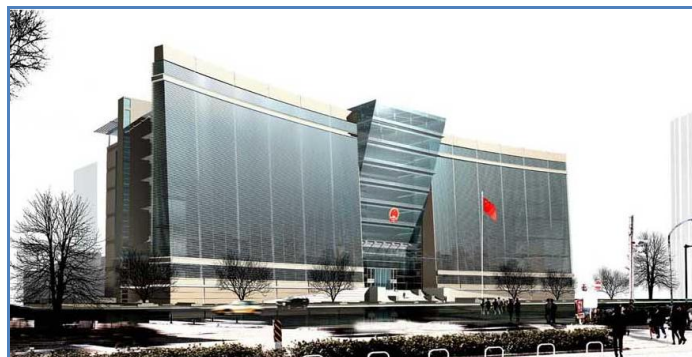
01	<p>Pre-Suit Injunction on Auction of Qian Zhongshu's Letters and Manuscript Pre-Suit Injunction filed by YANG Jikang against Sungari International Auctioning Co., Ltd and LI Guoqiang</p> <ul style="list-style-type: none"> - Beijing No.2 Intermediate People's Court - Civil Adjudication (2013) Er Zhong Bao Zi No.9727
02	<p>Trademark Administrative Lawsuit on "Jin Jun Mei in Chinese" Generic Term Wuyishan Tong Mu Tea Co., Ltd vs. Trademark Review and Adjudication Board, Fujian Wuyishan State-level Natural Reserve Area Zhengshan Tea Co., Ltd regarding Review on Opposition</p> <ul style="list-style-type: none"> - Beijing High Court - Administrative Judgment (2013) Gao Xing Zhong Zi No.1767
03	<p>NSSC vs. Patent Re-examination Board & Li Jianxin regarding Invention Patent Invalidation</p> <ul style="list-style-type: none"> - Beijing High Court - Administrative Judgment (2013) Gao Xing Zhong Zi No. 1754
04	<p>"Peking University High School in Chinese" Trademark Infringement & Unfair Competition Dispute PKU High School vs. Xianghe Futai Real Estate Development Co., Ltd., Wanfang Chenzhen Investment Development Co., Ltd.</p>
05	<p>Dou Xiao Performance Brokerage Contract Dispute Dou Xiao vs. Beijing New Pictures Co., Ltd.</p>

	<ul style="list-style-type: none"> - Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.1164
06	<p>Trademark Infringement and Unfair Competition regarding “Xiaoyuecheng”</p> <p>COFCO Property Investment, COFCO Property Management, Beijing Hong Tai Ji Ye Real Estate vs. Beijing Yuanyi Real Estate Development Co., Ltd.</p> <ul style="list-style-type: none"> - Beijing No.3 Intermediate People’s Court - Civil Judgment (2013) San Zhong Min Zi No. 01594
07	<p>Copyright Case relating Google Electronic Library</p> <p>Google vs. Wang Xin regarding Copyright Infringement</p> <ul style="list-style-type: none"> - Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.1221
08	<p>Patent Infringement regarding Thermostat Element</p> <p>STRIX LIMITED vs. Beijing Suning Appliance Co., Ltd. etc..</p> <ul style="list-style-type: none"> - Beijing No.1 Intermediate People’s Court - Civil Judgment (2011) Yi Zhong Min Chu Zi No. 15
09	<p>Beibingyang Trademark Case</p> <p>Beijing Beibingyang Food Company vs. Beijing Beibingyang Frozen Food Co., Ltd., Beijing Shuangdu Food Factory regarding Trademark Infringement</p>
10	<p>Criminal Case of HU and others Selling Products with Counterfeited Registered Trademark</p>

2013 Beijing Courts Top 10 Innovative IP Cases	
Issued by Beijing High Court	
01	<p>Pre-Suit Injunction regarding Abbott Milk Powder Cans</p> <p>Abbott Trading (Shanghai) Co., Ltd. vs. Taizhou Huangyanyilong Plastics Industry Co., Ltd.</p> <ul style="list-style-type: none"> - Beijing No. 3 Intermediate People’s Court - Civil Adjudication (2013) San Zhong Min Bao Zi No. 01933
02	<p>“Kongfu Panda” Trademark Infringement</p> <p>Shaanxi Maozhi Entertainment Co., Ltd. vs. DreamWorks Animation SKG, Inc and Paramount Pictures, Inc. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Beijing High Court

	- Civil Judgment (2013) Gao Min Zhong Zi No.3027
03	Copyright Infringement regarding Real-Time Broadcasting “Spring Festival Gala” on the Internet CCTV International Network Co., Ltd. vs. Beijing Baidu Wangxun Technology Co., Ltd., Beijing Sohu Internet Information Service Co., Ltd.
04	Trademark Cancellation Dispute regarding Nestle Three-Dimensional Bottle Shape KaiPingWeiShiDa Seasoning Co., Ltd. vs. Trademark Review and Adjudication Board - Beijing High Court - Administrative Judgment (2012)Gao Xing Zhong Zi No. 1750
05	Net Information Distribution Right Infringement regarding “Legend of Concubine Zhen Huan” Chineseall.com Co., Ltd. vs. Beijing Zhi Zhu Network Technology Co., Ltd. Beijing Chaoyang People’s Court - Civil Judgment (2013) Chao Min Chu Zi No.8854
06	Unfair Competition between Baidu and 360 Baidu Online Network Technology (Beijing) Co., Ltd vs. Beijing 360 Science and Technology Co., Ltd regarding Unfair Competition Dispute - Beijing High Court - Civil Judgment (2013) Gao Min Zhong Zi No.2352
07	Copyright Infringement regarding Web Cache of “Shameful Schadenfreude” Cong Wenhui vs. Beijing Sogou Information Service Co., Ltd.
08	Trademark Infringement regarding “Hengchang Jewelry” Beijing Hengchang Yudu Trading Co., Ltd. vs. Beijing Pugu Jewelry Co., Ltd., Meng Nan, Zhejiang Taobao Internet Co., Ltd. and Liu Xiaokun
09	Invention Patent Invalidation regarding Markush Claim Beijing Winsunny Pharmaceutical Co., Ltd. vs. Patent Re-examination Board, Daiichi Sankyo Company Limited
10	Unfair Competition regarding Bid Assistance of Affiliated Company Beijing Heer InfoTech Co., Ltd. vs. Jiangsu Wisedu Education InfoTech Co., Ltd., Jiangsu Wisedu Tech, Beijing Polytechnic College

【Shanghai High Court】



2013 Shanghai Courts Top 10 IP Cases

Issued by Shanghai High Court

01	<p>Johnson & Johnson Vertical Monopoly Contract Dispute Beijing Rui Bang Yong He Science and Trade Co., Ltd vs. Johnson & Johnson (Shanghai) Medical Ltd, Johnson & Johnson (China) Medical Ltd.</p> <ul style="list-style-type: none"> - Shanghai No. 1 Intermediate People's Court - Civil Judgment (2010) Hu Yi Zhong Min Wu(Zhi) Chu Zi No. 169 - Shanghai High Court - Civil Judgment (2012) Hu Gao Min San (Zhi) Zhong Zi No.63
02	<p>SI Group Trade Secret Infringement Dispute SI Group, SI Group Chemical (Shanghai) vs. Huaqi (Zhangjiagang) Chemical Co., Ltd., Xu Jie</p> <ul style="list-style-type: none"> - Shanghai No. 2 Intermediate People's Court - Civil Judgment (2011) Hu Er Zhong Min Wu(Zhi) Chu Zi No. 50 - Shanghai High Court - Civil Judgment (2013) Hu Gao Min San (Zhi) Zhong Zi No.93
03	<p>Eli Lilly and Company Trade Secret Infringement Dispute Eli Lilly and Company, Eli Lilly (China) Research and Development Co., Ltd vs. Huang Mengwei</p> <ul style="list-style-type: none"> - Shanghai No. 1 Intermediate People's Court - Civil Judgment (2013) Hu Yi Zhong Min Wu (Zhi) Chu Zi NO. 119
04	<p>Rotork Trademark Infringement Dispute Rotork Co., Ltd. vs. Shanghai Rotork Automation Instrument Co., Ltd, Rotork Actuator Co., Ltd.</p> <ul style="list-style-type: none"> - Shanghai No. 2 Intermediate People's Court - Civil Judgment (2011) Hu Er Zhong Min Wu(Zhi) Chu Zi No. 2

	<ul style="list-style-type: none"> - Shanghai High Court - Civil Judgment (2012) Hu Gao Min San (Zhi) Zhong Zi No.119
05	<p>Information Network Distribution Right Infringement Dispute in respect of the Documentary <i>A Bite of China</i> CCTV International Network Co., Ltd. vs. Shanghai Quan Tudou Culture Communication Co., Ltd.</p> <ul style="list-style-type: none"> - Shanghai Minhang District Court - Civil Judgment (2013) Min Min San (Zhi) Chu Zi No. 242 - Shanghai No. 1 Intermediate People’s Court - Civil Judgment (2013) Hu Yi Zhong Min Wu (Zhi) Zhong Zi No. 228
06	<p>Copyright Infringement Dispute regarding Bubbles Cartoon Image Benesse Corporation vs. Guangdong Taimao Food Co., Ltd., Xiao Gui (Shanghai) Food Co., Ltd. regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Shanghai No. 1 Intermediate People’s Court - Civil Judgment (2012) Hu Yi Zhong Min Wu (Zhi) Chu Zi NO. 132 - Shanghai High Court - Civil Judgment (2013) Hu Gao Min San (Zhi) Zhong Zi No. 81
07	<p>“Suguo” Trademark Infringement Dispute and Unfair Competition Suguo Supermarket Co., Ltd. vs. Shanghai Suguo Supermarket Co., Ltd.</p> <ul style="list-style-type: none"> - Shanghai Xuhui District Court - Civil Judgment (2012) Xu Min San (Zhi) Chu Zi No.340 - Shanghai No. 1 Intermediate People’s Court - Civil Judgment (2013) Hu Yi Zhong Min Wu (Zhi) Chu Zi No. 74
08	<p>Trademark Infringement and False Declaration Dispute regarding “Peking University High School in Chinese” PKU High School vs. Shanghai Bitao Education Consulting Co., Ltd.</p> <ul style="list-style-type: none"> - Shanghai Huangpu District Court - Civil Judgment (2013) Huangpu Min San (Zhi) Chu Zi No. 39
09	<p>Copyright License Contract Agreement regarding Latitude of the Qin Empire Chuanxian Internet Technology (Shanghai) vs. Shanghai Hegao Culture</p> <ul style="list-style-type: none"> - Shanghai No. 1 Intermediate People’s Court - Civil Judgment (2013) Hu Yi Zhong Min Wu (Zhi) Chu Zi No. 33
10	<p>Criminal Crime on Selling Cooling Tower with Counterfeited Registered Trademarks Conviction of Crime on Selling Products with Counterfeited Registered Trademarks of Shanghai Fulin Co., Ltd, Xu Yulin, Xu Jiagen</p> <ul style="list-style-type: none"> - Shanghai Yangpu District Court - Criminal Judgment (2013) Yang Xing (Zhi) Chu Zi No. 24

【Jiangsu High Court】



2013 Jiangsu Courts Top 10 IP Cases

Issued by Jiangsu High Court

01	<p>Copyright Protection of Single Character in Computer Artbase Beijing Hanyi Keyin Information Technology Co., Ltd. vs. Frog Prince (China) Daily Chemical Co., Ltd., Fujian Shuangfei Daily Chemical Co. Ltd. and Suguo Supermarket Co., Ltd. regarding Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu Province Nanjing Intermediate People's Court - Civil Judgment (2011) Ning Zhi Min Chu Zi No. 59 - Jiangsu High Court - Civil Judgment (2012) Su Zhi Min Zhong Zi No.161
02	<p>Discretionary Compensation Awarded Beyond the Scope of Statutory Damages Siemens PLM Co., Ltd vs. Kunshan Chang Teng Communication Technology Co., Ltd. regarding Software Copyright Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu Province Suzhou Intermediate People's Court - Civil Judgment (2012) Su Zhong Zhi Min Chu Zi No. 0248
03	<p>IP Protection of Landmark Building Nanjing Guo Zi Green Land Co., Ltd vs. Jiangsu Zi Feng Oasis Hotel regarding Copyright Infringement, Trademark Infringement Dispute and Unfair Competition</p> <ul style="list-style-type: none"> - Jiangsu Nanjing Intermediate People's Court - Civil Judgment (2012) Ning Zhi Min Zhong Zi No. 24
04	<p>IP Protection of Time-honored Brand and Balance of Interests Jiang Yuyou vs. Nanjing Confucius Temple Food Co., Ltd., Nanjing Qingzhen Qifangge</p>

	<p>Food Co., Ltd. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2013) Su Zhi Min Zhong Zi No. 37
05	<p>Judgment Rule on Similarity of Three-Dimensional Mark</p> <p>Nanjing Jiufengtang Bee Product Co., Ltd. vs. Nanjing Lao Shan Nutrition Co., Ltd. regarding Trademark Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2013) Su Zhi Min Zhong Zi No. 38
06	<p>Reasonable Burden of Proof May Be Distributed to Confirm Corresponding Technical Features If the Alleged Infringing Technical Features Can Not Be Observed Directly</p> <p>STAUBLI FAVERGES vs. Changshu Textile Machinery Works Co., Ltd regarding Patent Infringement Dispute</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2012) Su Zhi Min Zhong Zi No. 0290
07	<p>Judicial Judgment on Cross License and License Fee Exemption of Plant Variety</p> <p>Tianjin Tianlong seed industry Technology Co., Ltd. vs. Jiangsu Xunong Seed Industry Technology Co., Ltd.</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2011) Su Zhi Min Zhong Zi No. 194; (2012) Su Zhi Min Zhong Zi No. 55
08	<p>Criminal and Civil Cohesion of IP Judicial Protection</p> <p>Criminal Case and Civil Lawsuit regarding LIU, LI and Zhejiang Jiutian Technology Co., Ltd. Technological Secret Infringement</p> <ul style="list-style-type: none"> - Jiangsu High Court - Civil Judgment (2013) Su Zhi Min Zhong Zi No. 76
09	<p>Criminal Protection of Client List</p> <p>Conviction of Crime of Defendant FEI in Infringing Trade Secret</p> <ul style="list-style-type: none"> - Jiangsu Province Wuxi Binhu Court - Criminal Judgment (2012) Xi Bin Zhi Xing Chu Zi No. 0043
10	<p>Judicial Review on Customs IP Administrative Compulsory Measures</p> <p>Yiwu Chengke Import and Export Co., Ltd. vs. Yangzhou Customs, Colgate-Palmolive regarding Customs Administrative Compulsory</p> <ul style="list-style-type: none"> - Jiangsu Province Yangzhou Intermediate People's Court - Administrative Judgment (2013) Yang Zhi Xing Chu Zi No. 0001

【Zhejiang High Court】



2013 Zhejiang Courts Top 10 IP Cases

Issued by Zhejiang High Court

01	SEB vs. Zhejiang ASD, Hangzhou Carrefour regarding Invention Patent Infringement Dispute - Civil Judgment (2013) Zhe Zhi Zhong Zi No.59
02	Zhejiang Longsheng Group Co., Ltd vs. Shaoxing Zhihua Dye Co., LTD. and Shaoxing County ZhengJi Dye Co., Ltd regarding Invention Patent Infringement Dispute - Civil Judgment (2013) Zhe Shao Zhi Chu Zi No.178
03	Qu Tao vs. Hangzhou Urban Infrastructure Development Center, Hangzhou Urban Construction Design Institute Co., LTD., China Railway 14 Group Fifth Engineering Co., LTD., Hangzhou Urban Construction Investment Group Co., Ltd., Hangzhou Urban And Rural Construction Committee and Hangzhou People's Government - Civil Judgment (2008) Zhe Min San Zhong Zi No. 307
04	Zhao Hua vs. Generation 2000 Limited, Shanghai Heyuan Clothing Co., LTD., Guangzhou Qianying Clothing Co., LTD., Zhejiang Intime Department Store Co., LTD regarding Trademark Infringement Dispute - Civil Judgment (2008) Zhe Min San Zhong Zi No.108
05	Beijing Shizhongjian International Culture Co., LTD, Gao Zhishi vs. Bestseller Fashion (Tianjin) Co., Ltd., Hangzhou Lixingmingpin Department Store Plaza Co., Ltd regarding Trademark Infringement Dispute - Civil Judgment (2013) Zhe Zhi Zhong Zi No.61

06	Hangzhou ManLongGuiYu Trade Co., Ltd vs. Hangzhou Catering Service Group Co., Ltd regarding Trademark Infringement Dispute - Civil Judgment (2013) Zhe Zhi Zhong Zi No.318
07	Jiang Youbo vs. Zhou Weijun, Jiangsu People's Publishing House Co., Ltd. and Beijing Fonghong Media Co., Ltd. regarding Copyright Infringement Dispute - Civil Judgment (2013) Zhe Hang Zhi Zhong Zi No.13
08	Xu En Trade Secrets Infringement - Criminal Judgment (2013) Zhe Tai Zhi Xing Zhong Zi No.4
09	Chen Tuhong, Zhang Guangdong Trade Secrets Infringement - Criminal Judgment (2013) Qu Chang Xing Chu Zi No.110
10	NingHai Yonglai Tourism Supplies Co., Ltd. vs. Ningbo Customs regarding Administrative Compulsory - Administrative Judgment (2013) Zhe Xing Zhong Zi No.163

【Guangdong High Court】



2013 Guangdong Courts Top 10 IP Cases

Issued by Guangdong High Court

01	Huawei vs. IDC regarding Abuse of Market Ascendancy and Standard Essential Patent Licensing Fees Dispute <ul style="list-style-type: none"> ■ Huawei Technology Co., Ltd vs. IDC Corporation regarding Standard Essential Patent Licensing Fees Dispute - Guangdong High Court - Civil Judgment (2013) Yue Gao Fa Min San Zhong Zi No.305
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	<ul style="list-style-type: none"> ■ Huawei Technology Co., Ltd vs. IDC Corporation regarding Abuse of Market Ascendancy Dispute - Guangdong High Court - Civil Judgment (2013) Yue Gao Fa Min San Zhong Zi No.306
02	<p>Unfair Competition between QQ and 360 regarding QQ Guard Qihoo 360 Technology Co., Ltd, Qizhi Software (Beijing) Co., Ltd vs. Tencent Technology (Shenzhen) Co., Ltd and Shenzhen Tencent Computer System Co., Ltd</p> <ul style="list-style-type: none"> - The Supreme Court - Civil Judgment (2013)Min San Zhong Zi No.5
03	<p>“Haitian” “Weiji” Trademark Infringement & Unfair Competition Dispute Foshan Hai Tian Flavoring & Food Company Limited. vs. Foshan Gao Ming Weiji Seasoning Food Co., Ltd</p> <ul style="list-style-type: none"> - Guangdong Province Foshan Intermediate People’s Court - Civil Judgment (2012) Fo Zhong Fa Zhi Min Chu Zi No.352
04	<p>Conviction of Crime of Infringing Trade Secrets, Jiangxi Yi Bo Electronics Technology Co., Ltd, Zhongshan Wode Printing Equipment Co., Ltd, YU Zhihong, LUO Shihe, LI Yinghong, XIAO Wenjuan</p> <ul style="list-style-type: none"> - Guangdong Province Zhuhai Intermediate People’s Court - Criminal Judgment (2013) Zhu Zhong Fa Xing Zhong Zi No.87
05	Siemens Enterprise Name (Trade Name)Right and Unfair Competition
06	<p>“Lian Xiang Lou in Chinese” Trademark and Time-Honored Brand License Contract Dispute Guangzhou Catering Service Enterprise Group Co., Ltd vs. Guangzhou Xiguanshijia Yuanlin Restaurant Co., Ltd</p> <ul style="list-style-type: none"> - Guangdong Province Guangzhou Intermediate People’s Court - Civil Judgment (2010)Sui Zhong Fa Min San Chu Zi No. 433
07	<p>Shanghai Soontrue Yuanyi Technical Appliance Co., Ltd., Sichuan University vs. Huang Wei regarding Utility Model Patent Infringement Dispute</p> <ul style="list-style-type: none"> - Guangdong High Court - Civil Judgment (2013)Yue Gao Fa Min San Zhong Zi No. 430
08	Trademark Infringement and Unfair Competition regarding Promoting and Purchasing “Meixin Cake”
09	Administrative Case on Conflict between “Caile” Trade Name and Trademark Right
10	QVOD Infringe Information Network Distribution Right

【Shenzhen Intermediate Court】



2013 Shenzhen Courts Top 10 IP Cases	
Issued by Shenzhen Intermediate Court	
01	CHEN vs. Shenzhen Market Administration Futian Branch regarding Administrative Resolution
02	CHEN vs. Tencent regarding Copyright License Contract Dispute
03	Milan Station (Hong Kong) Co., Ltd. vs. Shenzhen Milan Station Trade Co., Ltd. regarding Trademark Infringement and Unfair Competition
04	HE Counterfeited Registered Trademark
05	Kaidiya Company, LIU, Du vs. Sony Ericsson regarding Trademark Infringement - Guangdong Province Shenzhen Intermediate People's Court - Civil Judgment (2013)Shen Zhong Fa Zhi Min Zhong Zi No. 785
06	UNION VOOLE Co., Ltd. vs. Shenzhen CMIT regarding Information Network Distribution Right Infringement
07	QVOD Infringe Information Network Distribution Right
08	Unfair Competition regarding DABAN Snow Skin Mooncake
09	SBWSCCTV(Saiboweishi) vs. Cybervision regarding Commercial Discredit Dispute
10	ZHANG Infringed Trade Secrets

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