



A Selection of China Supreme People's Court Foreign Related Trademark and Unfair Competition Cases 2018

作者：万慧达知识产权

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C, NIKON-20101228/201208 (Owner of well-known trademark may challenge other's use of its mark as trade name.)

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C, VICTORIA'S SECRET-20130423/201312 (Statutory damage under the AUCL)

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A, Little Thumb-20130219/20140623-30 (The Anti-unfair Competition Law does not require that the competitors must be in direct competition relationship)

B, ZF-20140717 (Other than licensees and/or successors, the term "interested party" also includes other entities having a stake in the case.)

Jurisdiction

A, Little Thumb-20130219/20140623-30 (Violating administrative rules does not deprive one of the right to file unfair competition litigation.)

B, NEW BALANCE-20170727 (The place where online purchased goods are destined cannot be deemed as the place where the infringing acts takes place so as to establish jurisdiction)

B, ADIDAS-20101108 (The jurisdiction regulation for civil and commercial cases does not apply to IP cases involving foreign elements.)

BC, Four Pillars-20090115/200908 (Court in the places where the infringing products are sold has no jurisdiction over trade secret lawsuits)

Non bis in idem

B, Suntory-20171228 (Retrial application filed against a new judgement shall be dismissed if it is purely an execution of the previous judgement)

B, CAILE-20091022 (There has to be new facts or legal basis for the TRAB to accept a new review application for a case where there has been res adjudicata)

Evidence

B, Nissan-20111130 (Evidence issued by the party itself could be corroborated by evidence adduced by other parties.)

B, BEST BUY-20111028 (New evidence re genuine use adduced during administrative litigation may be admitted)

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B, SATAM -20160627 (A judgement may be upheld, provided that its result is correct, even with defect in application of law)