

Intellectual Property

Choosing Fangda



Overview

Fangda Partners is one of the earliest private partnership law firms in China. We currently have over 700 lawyers, based in five offices in the major commercial hubs of Shanghai, Beijing, Shenzhen, Guangzhou and Hong Kong. We are a general practice law firm, with emphasis on complex litigation involving intellectual property and competition matters.

People

Our team members have backgrounds in various technical fields, enabling us to communicate efficiently with clients in different industries. We also have former judges and patent examiners in our team, providing local expertise within a global context.

Practice

We provide a full range of services in the intellectual property areas. We are best known for our extensive experience of handling intellectual property litigation in China, in-depth understanding of key technical sectors and the ability to manage multi-jurisdictional litigation. We are the preferred choice of clients in myriad industries on patent, trademark, copyright, trade secret and IP-related antitrust law matters.

Recognition

Our international reputation is attributable to the high quality of our services, the ingenuity of our strategies and the depth of our local knowledge we apply to tackle the most challenging IP issues. We have been frequently named as a leading practice by major international and regional professional journals and publications, such as Chambers & Partners, Managing IP, Asia Law, Asia Legal Business, Asia IP, China Law & Practice and others.

Intellectual Property Trial Practice

With our extensive knowledge of legal structure, technologies, and industry practices, we have advised clients in all types of intellectual property litigation. We provide our clients with practical and commercial assessment of the legal risks and returns associated with each potential or actual dispute. We have successfully prosecuted and defended infringement actions before courts around the country. These include:

Patent Litigation/Invalidation

- **A leading mobile device company** in multiple patent infringement and invalidation disputes concerning invention, utility model, and design patents in Mainland China, Hong Kong and Taiwan.
- **Valeo** in successful patent infringement litigation against a Chinese competitor before Shanghai Intellectual Property Court and Intellectual Property Court of Supreme People's Court. This case was the first time a court in Shanghai rendered an interim judgment in the field of intellectual property law and the first public hearing held by Intellectual Property Court of Supreme People's Court. The case was selected by the PRC Supreme Court as one of the Guiding Cases.
- **L'Oréal** in a successful series of patent infringement cases against a Chinese competitor before Shanghai Intellectual Property Court, Ningbo Intermediate Court and Shanghai Intermediate Court.
- **Nordson Corporation** in a successful series of patent infringement cases against a Chinese competitor before Shanghai Intellectual Property Court.
- **Watson Pharmaceuticals** in a successful defense against allegation of patent infringement concerning the method patent for production of olanzapine before the Jiangsu High Court and before the PRC Supreme Court. The case was named as a guiding case by the Supreme Court.
- **Sucampo Pharmaceuticals** to defend the validity of its patent in a patent invalidation proceeding.
- **Knowles Corporation** in its defense in a series of patent infringement disputes before the Weifang Intermediate Court.
- **Kennametal** in a patent infringement dispute concerning coating technologies before the Shanghai No.1 Intermediate Court, as a part of global patent litigation.
- **Power Integrations** against a leading semiconductor manufacturer concerning invention patents over power control devices before Suzhou Intermediate Court and Jiangsu High People's Court.
- **Sony Corporation** in defending claims of patent infringement concerning the MP3 player technology. The case was withdrawn by the plaintiff/patentee after the China Patent Reexamination Board invalidated several claims of the asserted patent.
- **Nokia Corporation** in a successful design patent infringement case before the Beijing No.2 Intermediate Court.
- Taiwan-based **Elan Microelectronics Corp.** in a series of patent disputes concerning laptop PC touch-screen technologies against several competitors before the Suzhou Intermediate Court, Beijing No.1 Intermediate Court and Beijing No.2 Intermediate Court, and successfully won the patent invalidation decisions from the China Patent Reexamination Board.
- Taiwan-based **Wintek Technology Corp.** in a series of patent disputes concerning smartphone touch-screen technologies against several competitors before the China Patent Reexamination Board and Beijing No.1 Intermediate Court.



- **MacGregor (Shanghai) Trading Co.** to obtain favorable judgments from the Beijing No.1 Intermediate Court, which overturned decisions by the China Patent Reexamination Board concerning patents of an uploading machine.
- **JABRA** in winning a patent lawsuit of declaratory judgment on non-infringement.

Trademarks

- **New Balance** in the trademark infringement actions against a Chinese individual, successfully reducing the damages by 95%.
- **Michael Jordan**, the basketball player, in a series of cases against Qiaodan Sports Company for its registration of Mr. Jordan's name as company name and trademarks before the PRC Supreme Court.
- **Tesla Motors**, Inc. to successfully recover the right to use "Tesla" trademark in China against the trademark squatter that registered the same trademark.
- **Guess?**, Inc. in a trademark infringement and unfair competition lawsuit against another international brand before the Jiangsu High Court.
- **Yi Jian-Lian**, a famous NBA and CBA basketball player from China, to successfully cancel the trademark "Yi Jian-Lian" registered by Fujian Jinjiang Yi Jian-Lian Sport Co. This case was ranked as one of the Top 10 IP cases by the Beijing High Court.
- **Louis Vuitton** in a landmark vendor's strict liability trademark infringement case against a major supermarket operator in Shanghai. The case was selected by the PRC Supreme Court as one of the top 10 IP Cases.
- **The North Face Apparel Corp.** in winning a landmark landlord liability trademark infringement case against Beijing Silk Market before the Beijing No.2 Intermediate Court and the Beijing High Court.
- **Sony Computer Entertainment Inc.** in multiple trademark infringement litigation before the Shenzhen Intermediate Court.
- **NEC** in multijurisdictional trademark infringement litigation before the Beijing, Shanghai, Nanjing and Zhongshan Intermediate Courts.
- Many foreign companies and foreign-invested companies in trademark infringement lawsuits filed by trademark squatters in China.

Copyright

- **Microchip** in a micro-program copyright infringement case against a major Chinese company before the Shanghai No.1 Intermediate Court.
- **Bandai** in winning 41 collective "GUNDAM" and "Three Kingdoms" copyright infringement cases before the Beijing No.1 Intermediate Court. This case was ranked as one of the Top 10 IP cases by the Beijing High Court.
- **Symantec Corporation** to sue an individual and his alleged criminal syndicates for manufacturing and distributing pirated software following the China-U.S. joint law enforcement action codenamed "Winter Solstice". The case was heralded as the largest computer software piracy case in the world when it was decided.
- **A world-renowned entertainment company** in its copyright infringement and unfair competition lawsuit in China filed against the producer and the publisher of a Chinese copycat animation movie.
- **A globally renowned developer and publisher of entertainment video games** in its copyright infringement lawsuit in China on merchandise infringement.
- **An Internet platform service provider** in defending multiple copyright infringement cases in China.
- **Bond Manufacturing** in an applied art copyright infringement case against a Chinese company before the Xiamen Intermediate Court.



Trade Secrets

- **Novartis China** against its former employee in China for trade secret misappropriation involving the first-ever pretrial preliminary injunction in trade secret misappropriation cases under the 2013 Civil Procedure Law.
- **A leading petrochemical company** against a local competitor for trade secret misappropriation covering the entire production process for a chemical product.
- One of the **world's largest manufacturers of diaper production lines** against its former engineer and his new employer for trade secrets misappropriation in both civil and criminal actions.
- **General Electric Company** to obtain preliminary injunction against one of its former employees for misappropriating trade secret technologies.
- **Vesuvius** in a trade secret infringement case against a Chinese competitor and some of its former employees.
- **Singapore Telecommunications** in a trade secret infringement case against its former senior management.
- **PepsiCo** to successfully defend a trade secret infringement case brought by one of its former Chinese business partners before the Chongqing No.5 Intermediate Court. The case was selected by the PRC Supreme Court as one of the Top 10 IP Cases in China.
- **MECS** in a technical related trade secret infringement case against one of its former executives.

Unfair Competition, FRAND Litigation & IP - related Antitrust Investigation

As one of the first law firms in China to develop a practice in the area of anti-unfair competition, FRAND litigation and IP-related antitrust investigation, we have been highly successful in the past years at representing clients to tackle IP-related antitrust and anti-unfair competition challenges.

FRAND Litigation and IP-related Antitrust Matters

FRAND litigation and IP-related antitrust matters are growing fast in China. We are one of the few Chinese law firms to have built up significant expertise in this area. We represented:

- **A leading technology company** in an antitrust and FRAND-related litigation against another major technology company before the Beijing IP Court concerning the licensing of patent portfolio essential for telecommunication standards.
- **A leading technology company** in its defense in antitrust-related litigation filed by a Chinese digital accessories company before the Beijing IP Court concerning MFi certification.
- **InterDigital** in antitrust and FRAND-related lawsuits filed by several implementers of the wireless telecommunication standards before the Shenzhen Intermediate Court, Guangdong High Court, Jiangsu High Court and the PRC Supreme Court, including the first-ever case in this area filed by Huawei.
- **The9** in an antitrust investigation conducted by the China State Administration of Industry and Commerce concerning licensing of online gaming computer software.
- **Towana** in an antitrust investigation conducted by the China Ministry of Commerce concerning concentration of undertakings.
- **A multinational technology company** in an antitrust investigation by the China State Administration of Industry and Commerce.
- **INEOS** in an antitrust dispute against a U.S. chemical company concerning the right to license technologies to Chinese companies.
- **A leading Chinese PC manufacturer** in an antitrust dispute concerning the legality of a proposed licensing scheme and the amount of royalties chargeable for the right to use certain patented technologies.
- **A Japanese technology company** in the negotiation with a Chinese smartphone manufacturer for licensing of patent portfolio essential for certain telecommunication standards.
- **Texas Instruments** on antitrust compliance issues concerning purchase agreement with its customers.
- **Infineon Technologies** on China Anti-Monopoly Law compliance issues concerning its collaboration with local partners about technology sales and development.

Unfair Competition

With our high level of experience and in-depth local knowledge, we provide comprehensive dispute resolution services to many companies on a wide range of unfair competition issues such as free riding of goodwill, defamation of reputation, misrepresentation, false advertisement and malicious interference of business transaction. We represented:

- **Huya Live** in an unfair competition case against a major live streaming competitor. This case is first-ever preliminary injunction ruling in China concerning complaint against Apple's App Store.
- **Ralph Lauren Corporation** in unfair competition cases involving false advertisement and misappropriation of trade name and trade dress against Chinese copycats in Shanghai.
- **Tesla Motors** in unfair competition cases involving false advertisement and misappropriation of trade name against a trademark squatter.
- **A leading mobile device company** in winning the defamation claim brought by a Chinese individual in Shanghai.
- **Qihoo 360** in winning the first ever preliminary injunction on defamation infringement and favorable judgment in Shanghai against a Chinese newspaper and a news website in a defamation case.
- **Semiconductor Manufacturing International Corporation** in an unfair competition and commercial defamation case against Taiwan Semiconductor Manufacturing Company before the Beijing High Court.
- **Advanced Micro-Fabrication Equipment** in an unfair competition case before the Shanghai No.1 Intermediate Court.
- **Shangri-La International** in winning an unfair competition case concerning trade name, trade dress and misrepresentation and trademark infringement against a local hotel before the Nanjing Intermediate Court.
- **Louis Vuitton** in an unfair competition case against Shanghai Xingui Real Property Development Co. before the Shanghai No.2 Intermediate Court where the opponent was held liable for free riding on the goodwill and business reputation of our client.
- **A leading U.S.-based interactive entertainment and video game company** in its copyright and unfair competition lawsuit in China filed against publisher of an infringing imported movie. The case was selected by the PRC Supreme Court as one of the Top 50 representative IP Cases in China.
- **A leading Scandinavia-based hearing-aid producer** in winning a series of anti-unfair competition cases against domestic competitors in China.

Supreme Court Practice

We have successfully argued cases before provincial high courts and the China Supreme Court. The appellate practice in China requires a unique combination of extensive courtroom experience, specialized knowledge of appellate advocacy, and exceptional legal skills navigating the appeal process. We are one of the few firms in China that has an established appellate litigation and advocacy practice. We represented:

- **Watson Pharmaceuticals** in a successful defense against allegation of patent infringement concerning the method patent for production of olanzapine before the Jiangsu High Court and before the PRC Supreme Court. The case was named as a guiding case by the Supreme Court.
- **Michael Jordan**, the basketball player, in a series of cases against Qiaodan Sports Company for its registration of Mr. Jordan's name as company name and trademarks before the PRC Supreme Court.
- **Aonuo Pharmaceutical** in a retrial heard by the PRC Supreme Court in an invention patent infringement case brought by a local pharmaceutical company.
- **Shanghai Dangdang Electronic Technology Inc.** in a successful retrial petition to the PRC Supreme Court.
- **Guangdong Feishi Media Co.** in defending a copyright infringement dispute and obtained a favorable mediation decision from the PRC Supreme Court.
- **Guangdong Huarun Paints Co.**, a subsidiary of Vasper, in a successful PRC Supreme Court retrial.
- **Shantou Wan Li Da** in a retrial heard by the PRC Supreme Court in a trademark infringement case.
- **A cosmetic company** in a retrial heard by the PRC Supreme Court in an unfair competition case brought by its competitor.



IP Transaction and Regulatory Practice

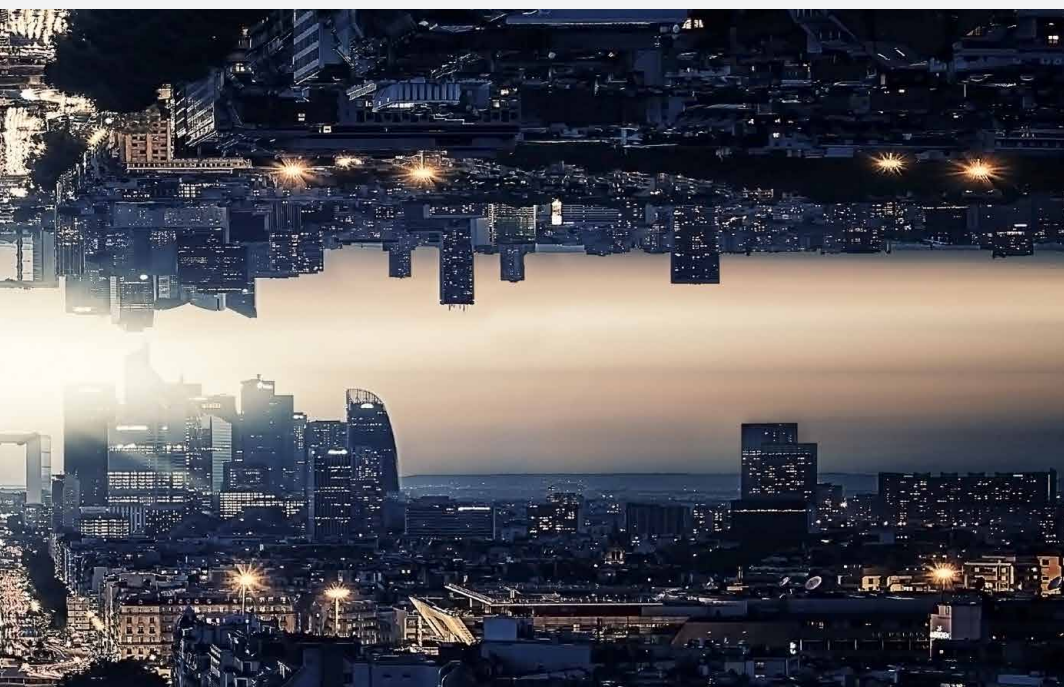


Licensing and Advisory Work

We advise on domestic and cross-border transactions involving procurement, acquisition, assignment or use of rights in technology, brands, patents, copyrights and other forms of IP. Such transactions include franchising, licensing, distribution, outsourcing, contract manufacturing, joint ventures, mergers & acquisitions, strategic alliance and technology research and development.

Our team also works closely with the firm's corporate and private equity departments to identify and evaluate IP assets in mergers & acquisitions, joint ventures and private equity deals and to secure the transfer, assignment and protection of those assets.

We also advise clients on a full range of IP-related issues such as High & New Technologies Enterprise qualification, employee-inventor reward and compensation, import and export of restricted technologies, and R&D outsourcing.



Anti-Counterfeiting

We are traditionally strong in anti-counterfeiting and anti-piracy enforcement in China. By working extensively with the relevant government authorities, we effectively assist in administrative and criminal actions to crack down on counterfeits and piracies in China.

Awards & Recognitions

Intellectual Property Firm of the Year: Winner

Benchmark Litigation Asia-Pacific Awards, 2021

Winner of IP (Copyright)

China Business Law Awards, China Business Law Journal, 2021

Top 10 Intellectual Property Law Firm

China Intellectual Property Forum, 2020

Intellectual Property Firm of the Year

The Asia Legal Awards, 2020

Trade mark contentious - domestic firms – Tier 1

IP Stars Rankings, Managing IP, 2020-2021

Patent contentious - domestic firms – Tier 1

IP Stars Rankings, Managing IP, 2020

IP Litigation Firm of the year

Asia IP China Awards, 2020

Intellectual property (PRC Firms) - Tier 1

Benchmark Litigation Asia-Pacific, 2020-2021

Dispute resolution (Arbitration): PRC firms - Tier 1

The Legal 500 Asia Pacific, 2021

Dispute resolution (Litigation): PRC firms - Tier 1

The Legal 500 Asia Pacific, 2021

Intellectual property: PRC firms - Tier 1

The Legal 500 Asia Pacific, 2021

Dispute Resolution (PRC Firms) (Band 1)

Chambers Asia-Pacific, 2019, 2020, 2021

Intellectual Property: Litigation (PRC Firms) (Band 1)

Chambers Asia-Pacific, 2017, 2018, 2019, 2020, 2021

Media Law - Tier 1

Media Law International, 2020

Dispute Resolution: Outstanding

Asialaw Profiles, 2018-2021

Intellectual Property: Outstanding

Asialaw Profiles, 2021

Intellectual Property: Highly Recommended

Asialaw Profiles, 2018-2020

Intellectual Property Firm of the Year

Benchmark Litigation Asia-Pacific Awards, 2019

Intellectual Property Firm of the Year - China

China Law & Practice Awards, 2019, 2020

China Firm of the Year

China Law & Practice Awards, 2018-2020

Competition/antitrust: Outstanding

Asialaw Profiles, 2018-2021

Best Overall Law Firms (PRC Firms)

China Business Law Awards, 2016, 2019

Media, Entertainment & Sports (PRC Firms)

China Business Law Awards, 2019

Competition and Antitrust (PRC Firms)

China Business Law Awards, 2019, 2020

China Domestic Patent Law Firm

Asian Legal Business Employer of Choice, 2018

China PRC Law Firm of the Year - Dispute Resolution

Chambers Asia-Pacific, 2018

China Domestic Trademark/Copyright Law Firm

Asian Legal Business Employer of Choice, 2018

China Domestic Patent Law Firm

Asian Legal Business Employer of Choice, 2018

GAR 100 Law Firm

Global Arbitration Review (GAR) 100, 2016-2020

**Dispute Resolution: Arbitration (International Firms) -
Recognised Practitioner**

Chambers Asia-Pacific, 2018

Dispute Resolution: Beijing (PRC Firms) - Band 1

Chambers Asia-Pacific, 2017, 2018

Dispute Resolution: Shanghai (PRC Firms) - Band 1

Chambers Asia-Pacific, 2017, 2018

**Dispute Resolution: Litigation (International Firms) -
Recognised Practitioner**

Chambers Asia-Pacific, 2018

Dispute Resolution (PRC Firms)

China Business Law Awards 2016, 2017

Patents (China Domestic) - Tier 1

ALB IP Rankings, 2017-2019

Copyright/Trademark (China Domestic) - Tier 1

ALB IP Rankings, 2017-2019

Dispute Resolution Firm of the Year

Managing IP, 2017

Best PRC Firm in China

Asia Women in Business Law Awards, 2016

National Law Firm of the year - China

Asialaw Asia-Pacific Dispute Resolution Awards, 2016

In-House Community Firm of the Year

-Antitrust/Competition, China

ASIAN-MENA COUNSEL, 2016

**In-house Community Firm of the Year - Litigation and
Dispute Resolution, China**

ASIAN-MENA COUNSEL, 2016

China Firm of the Year - Intellectual Property

China Law and Practice 2015, 2016

China PRC Law Firm of the Year - Dispute Resolution

Chambers Asia-Pacific, 2016

Law Firm of the Year

Asialaw Asia-Pacific Dispute Resolution Awards, 2016

China IP Litigation Firms (Band 1)

Chambers & Partners, 2016

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