

# **RIGHT & ABLE LAW FIRM**

## **WHO WE ARE**

Right & Able practice intellectual property and recognized as one of the most-active law firms in china in all aspects of intellectual property litigation. We assist the clients not only to protect and enforce their intellectual property rights both in china and throughout the world, but also to create unexpectable and invaluable effect on various subject matters. We dedicated to offer the intellectual property expertise and counsel service in all aspects of trademark, patent, copyright, trade secret, domain name, trade name, trade dress, product packing and unfair competition.

Our intellectual property litigators have been involved in a large number of landmark cases that have defined the scope of intellectual property rights. These cases resulted in decisions of the Supreme People's Court of China or other intellectual property courts in china. For handled over 100 IP litigation cases each year and successfully represented typical IP litigation cases for the clients, our attorneys were nominated as many expert committee memberships on intellectual property research and played significant role in them. Right & Able also published many articles or book and gave lectures on IP field in the past decade.

With the IP law business developed, Right & Able nowadays can provide accurate and experienced legal service on corporation law, contract law, tort law and trade disputes resolution. Our clients can benefit from diverse group of counsel in Right & Able.

Our values on law job are fully concentrate on all of the details, provide the highest quality legal service for the clients. Our goal is to do more to create unexpectable result. We believe, through our experienced, efficient, comprehensive and strategic work, nothing impossible to achieve!

## **WHAT WE DO**

Trademark or patent owners often encountered various infringements such as malicious registering or unfair competition on trade name or trade dress in mainland China. According to different infringement behaviors, different rights protection strategies are adopted to form effective rights protection plans. While implementing the rights protection plans, pay attention to the ways and methods of IP rights protection, and timely adjust and control the progress of the case, in order to achieve the best effect.

The IP rights protection program is to comprehensively analyze and judge the various manifestations of infringement, such as investigation and analysis, research programs, case retrieval analysis before the initial action, and clearly determine feasible and high successful rate protection programs. When facing complex infringements, high-quality IP rights protection strategies can always respond to various infringements and quickly hit the essentials of the cases, while making accurate analysis and decisions and implementing them quickly and effectively.

For the best effective IP dispute resolution strategy, we were highlighted to provide the following categories in IP and dispute resolutions.

### *Trademark*

Trademark clearance and application strategy, publication monitoring, trademark opposition, prosecuting and response of opposition, cancellation and invalidation, trademark transfer and license, famous trademark protection, etc.

### *Patent*

Patent searching and analysis, filling application strategy, reexamination, invalidation and administrative litigation, patent infringement litigation.

### *Copyright*

Copyright registration, license and transfer, copyright protection in administrative or criminal procedure, copyright infringement litigation.

### *IP Litigation*

Administrative litigation on cancellation or invalidation of trademark rights, civil procedure on trademark infringement litigation. Administrative litigation on invalidation of patent rights, civil procedure on patent infringement litigation.

Copyright infringement litigation.

Criminal procedure on trademark, copyright, patent or trade secret.

### *IP Protection*

IP due diligence investigation, commercial and industrial complaint on IP right protection. IPR protection on trade fairs and all aspects of intellectual property, domain name registration, protection and resolution.

### *Anti-unfair Competition*

Legal protection of trade secret, trade name, unregistered trademark. Providing solutions for unfair competition activity in false advertising and misleading propaganda. Legal protection of product packaging decoration, trade dress. Legal protection of trade name, brand copycat in unfair competition.

### *Trade Dispute resolution*

- Representing clients in commercial or administrative litigation and arbitration proceedings on business law, contract law or tort law. Supervise the implementation of the dispute enforcement.
- Applying for the enforcement of the decisions of litigation or arbitration.
- Participating in negotiations on commercial disputes, include drafting proposals for settlement plans and agreements.

- Investigating and collecting evidence, drafting lawyer's letters, providing lawyer's announcements and providing legal consultant service.

## **PROFESSIONALS**

Zhen Chen  
*Managing Partner, attorney*  
zhen.chen@right-able.com

Mr. Chen started his IP career from 2005, has profound expertise in intellectual property and successfully represented over 300 complicated IP litigation cases in china, including trademark, patent, copyright, unfair competition. He wrote many articles in the past 14 years especially in the book on trademark litigation cases published by Right & Able in 2017. According to his achievements, Zhen was nominated to the expert member of Committee of IP Trail Case Study of the Supreme Court of China. He reviewed and recommended many typical IP litigation cases to the Supreme Court of China as the typical IP cases for binding.

### *Memberships*

Member of Expert Committee of IP Trail Case Study of the Supreme Court of China (2016).

Mediator of Beijing Multiple Mediation Promotion Association for intellectual property disputes ( 2015 ) .

Vice President of Ningbo Brand Protection Association (2015).

Member of Expert Committee of Beijing Patent Bar Association (2014).

Member of China Intellectual Property Study Association (2012).

### *Publications*

*Likelihood of confusion in trademark infringement cases in the U.S.*, published by China Trademark Journal , 2018.

*Commentary on the typical cases of trademark litigations*, China Industries and Commerce Press, 2016.

*The Protection of similar trademarks*, China business newspaper , 2010.

*The trade name protection of foreign company in china* , China Trademark Journal , 2007.

*The principles and regulations of trademark infringement compensation* , China IP press , 2008.

*The judicial protection on trademark and unfair competition for foreign company in china*, Law Press, 2009.

Weili Chang  
*Partner, trademark attorney*  
weili.chang@right-able.com

Ms. Chang has 10+ multiple working experience on trademark law practice, especially on trademark oppositions, cancellations, invalidations, and litigations. After joined Right & Able Law Firm as trademark attorney in 2012, Ms. Chang handled hundreds of trademark cases over the year. Now she Mainly handles the cases related to trademark objections, cancellation, reexamination, invalidation and litigation. She also practiced lots of copyrights, tradename, trade dress, unfair competition and other intellectual property cases. Meanwhile, she is not only accumulated a wealth of experience in IP cases, but also were praised for hard work and high quality case settlement by the clients.

#### *Successful Cases*

Represent Shenzhen Tiancheng Furniture Co., Ltd. against Quanzhou Red Apple Furniture Co., Ltd. for “red apple” graphics trademark objection, reexamination and administrative litigation cases.

Represent Baolong Group Development Co. Ltd. against Xuzhou Baolong Co., Ltd. for trademark infringement and unfair competition.

Represent Guangdong Camel Clothing Co., Ltd. against Fujian Camel Sports Co., Ltd. for trademark infringement and unfair competition cases.

Represent Bobdog (China) children's products Co., Ltd. against Quanzhou Bobdog Co., Ltd. and Trademark review and Adjudication Board of the State Administration for Industry and Commerce (TRAB) on the "bobdog" graphic trademark opposition, reexamination and litigation cases.

Represent Beijing Youlian Online Game Co., Ltd. against Tencent Technology (Shenzhen) Co., Ltd. for trademark cancellation reexamination administrative litigation cases regarding to the trademark “Wechat”.

Xingqian Han  
*Patent Attorney*

xingqian.han@right-able.com

Mr. Han has science and engineering background and practiced patent law in china for many years. He has represented many patentees in pharmaceutical and electronics industries in handling patent litigations, licensing, invalidations and applications. The patent cases he had handled often has typical influence and high successful rate. Mr. Han always appreciated by clients and other institutes for his refined litigation skills, diligence and fully considerations. Before he joined Right & Able, Mr. Han has been an experienced administrative officer of food and drug administrative office.

### *Successful Cases*

Represented Gaoside (Beijing) technology Co., Ltd. v. Chongqing Saifu technology Co., Ltd. for patent infringement and invalidation litigation cases (patent number 201520003602.2).

Represented the Sino-US Air Transportation Lantian Equipment Manufacturing Co., Ltd. against Henan Juntong Vehicle Co., Ltd. for utility patent invalidation cases (patent number 200920092018.3).

Represented Fujian Nanan Yubao Footwear Co., Ltd. for design patent invalidation which named musical rhythm line octopus foot outsole 1118 used by many footwear factories in china (patent number 201530380567.1).

## **LANDMARK CASES**

### *1. Partial trademark infringement cases*

Baolong Group Company v. Xuzhou Baolong Chuangzhan Real Estate Co., Ltd.

From 2015 to 2017, Right & Able represented the plaintiff Baolong Group Company sued the defendant Xuzhou Baolong Company for trademark infringement and unfair competition. Both Xuzhou Intermediate People's Court of Jiangsu Province and Jiangsu Higher People's Court were all held that the use of the name "Baolong Square" by Xuzhou Baolong Company is easy to cause likelihood of confusion and misunderstanding, which constitutes trademark infringement to Baolong Group Company. The trade name "Xuzhou Baolong Chuangzhan Real Estate Co., Ltd." constituted unfair competition. The defendant should compensate 2 million yuan (\$300,000) to the plaintiff.

Referring to the previous cases in which the name of the building constitutes a trademark infringement, the innovative and typical significance of this case is to give what kind of factors should be fully considered in building trademark

infringement cases. This case also created the highest compensation for trademark infringement cases in the real estate.

## 2. *Partial trademark administrative cases*

Bobdog (China) Children's Products Co., Ltd. v. Quanzhou Bobdog Children's Products Co., Ltd.

From 2012 to 2016, Right & Able represented the petitioner Bobdog (China) Children's Products Co., Ltd. filed trademark invalidation declaration against Quanzhou Bobdog Children's Products Co., Ltd. for the registered seven cartoon dog graphic trademarks such as No. 7104286. The Trademark Review and Adjudication Board of the State Administration for Industry and Commerce (TRAB) supported the petition and decided that the disputed trademarks were invalidated.

The TRAB found that the "Bobdog" pattern in these cases is creative and artistic work which can be protected under China's Copyright Law. The disputed trademarks are substantially similar to the "Bobdog" pattern elements, design concept, the way of expression and overall visual effect of the petitioner's copyright, and the respondent has not submitted evidence to prove that the disputed trademarks are independently created. Therefore, the applications for registration of the seven disputed trademarks infringed the petitioner's prior copyright, which violated Article 32 of the Trademark Law "infringing the existing prior rights of others". Quanzhou Bobdog Children's Products Co., Ltd. appealed to Beijing No. 1 Intermediate People's Court. The appeals were dismissed and respondent appealed to the Beijing Higher People's Court. The final of the court still rejected the appeal and the trademarks were finally invalidated.

In this case, the court answered what kind factors should be considered in the cases that the registered mark infringed the existing prior copyright. The key actors for the use in public and the substantially similarity should be considered.

## 3. *Other trademark cases*

From 2009 to 2011, Right & Able represented Mentholatum Pharmaceutical Co., Ltd. sued Xi'an Meichen Pharmaceutical Co., Ltd., Xi'an Wanbang Biomedical Co., Ltd., Beijing Xingmin Jiyuantang Pharmacy for trademark infringement on the trademark right of No. 864094 "Le Dun".

In 2013, Right & Able represented THE SCHLEGEL GROUP against TRAB, YINGCHUN GUO on No.4220042 "Q-LON" for trademark opposition, reexamination and administrative litigation.

From 2013 to 2018, Right & Able represented Guangdong Camel garment Co., Ltd. against Camel (Fujian) outdoor products Co., Ltd. for trademark infringement and unfair competition.

From 2013 to 2018, Right & Able represented Beijing C-CURE building materials Co., Ltd. against Beijing Baojielisheng Commercial Center for trademark administrative litigation which is related to the trademark “C-CURE” and trademark infringement and unfair competition.

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#### 4. *Partial patent cases*

Gaoside (Beijing) Technology Co., Ltd. v. Chongqing Saifu Technology Co., Ltd. for patent infringement and invalidation cases.

From 2015 to 2017, the plaintiff Chongqing Saifu Company filed a patent infringe lawsuit against the defendant Gosied (Beijing) Co., Ltd. Right & Able represented the defendant filed the patent invalidation application of a new type of electric vehicle utility patent which is owned by the plaintiff. The Patent Reexamination Board (PRB) found that from claim 1 to 7 of the patent does not meet the requirement of creativity under Article 22, paragraph 3 of the China Patent Law. The decision made by PRB granted the petition and announced the 201520003602.2 patent invalidated. The plaintiff appealed to the Beijing Intellectual Property Court and Beijing Higher People’s Court. All of the appeals were dismissed.

And, the court which is hearing the patent infringement case, also dismissed all of the infringement claims of the plaintiff.

This patent infringement case referring a new type of electric vehicle utility patent which is used by many electric vehicle companies. The plaintiff also filed a lot of patent infringement litigation cases to other competitors for huge compensations.

Right & Able, also represented The Sino-US Air Transportation Lantian Equipment Manufacturing Co., Ltd against Henan Juntong Vehicle Co., Ltd. for utility patent invalidation cases (patent number 200920092018.3) from 2016 to 2018.

Right & Able represented Fujian Nanan Yubao Footwear Co., Ltd. for design patent invalidation which named musical rhythm line octopus foot outsole 1118 used by many footwear factories in china ( patent number 201530380567.1) from 2015 to 2017.

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## ACHIEVEMENTS

Over the past decade, Right & Able attorneys caught unbelievable achievements in the fields of intellectual property cases, publications, academic research and social events. Some of the achievements are

Right & Able was nominated as Outstanding Trademark Agent in 2015 and 2018 by China Trademark Association.

Right & Able Zhen Chen was nominated the expert member of Committee of IP Trail Case Study of the Supreme Court of China in 2016.

Right & Able published trademark litigation case research book which analysis the landmark trademark cases handled by Right & Able in 2017.

In 2015, Right & Able was nominated as Member of Expert Committee of Deputy of Industrial and Information for Intellectual Property, for providing IP proposals to the institute member.

In 2013, Right & Able was nominated as Member of Expert Committee of The China's Most Growing Trademark, for evaluate and recommend the famous marks in china.

### Membership of Trademark or IP Associations





**北京融君律师事务所 RIGHT & ABLE LAW FIRM**

北京市西城区广安门外大街 248 号机械大厦 21 层 2102/2118 室 (100055)

Room 2102/2118, 21th Floor, Machinery Building, 248 Guang'anmenwai  
Street, Xicheng District, Beijing, China, 100055

Tel: +8610-83204039/83204270; Fax: +8610-63275200; [www.right-able.com](http://www.right-able.com)