

W & G
Wilkinson & Grist
Solicitors & Notaries

Welcome Message

Throughout the summer, we have witnessed the fruition of continued efforts by the Hong Kong Government to improve the legal environment with major changes introduced to the Trade Descriptions Ordinance and the Trustee Ordinance to enhance consumer protection against unfair trade practices and to modernize Hong Kong's trust regime.

In China, whilst changes to the Copyright Law are still brewing, the new Trademark Law was finally promulgated on 30 August 2013 after much discussion and consultation resulting in many positive changes which will simplify trademark applications, expand protection and strengthen enforcement against infringement.

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NEW HONOUR



The World's Leading Patent Practitioners 2013

We are proud to have received again the highest recognition – the **GOLD** band for Hong Kong in this guide to leading private practice patent practitioners and firms in the world's key jurisdictions.

“ ‘Traditional yet flexible heavyweight’ Wilkinson & Grist takes a ‘dedicated and meticulous’ approach to patent assignments, while its ‘flexible and customer-minded methods’ appeal to a host of premier-league clients.”

“ ‘Key figures include the “absolutely great” Anne Choi and “top-class” Yvonne Chua, both of whom enjoy widespread acclaim.’ ”

Congratulations

We are proud of the recognition given to our partners and congratulate them on their achievements.

Citywealth

Leaders List 2013



John Budge

John Budge, partner, Dispute Resolution Practice Group, has again appeared as a Leading Lawyer in Citywealth Leaders List 2013, a guide to the leading professional advisors to the wealth industry, with regard to his expertise in trust and probate litigation.



BENCHMARK ASIA-PACIFIC Local Disputes Stars 2013



John Budge



Keith Ho

John Budge and **Keith Ho**, partners, Dispute Resolution Practice Group, are named as ***Local Disputes Star*** for Hong Kong in respectively the practice area of ‘General Commercial, Restructuring and Insolvency’ and ‘Restructuring Insolvency’, in this first edition of *The definitive guide to the leading litigation and dispute resolution firms and individuals in the Asia Pacific region* by Benchmark Asia-Pacific.

WHO'SWHOLEGAL

The International Who's Who of Business Lawyers COMMERCIAL MEDIATION 2013



John Budge

John budge, for two years in a row, has been named as an outstanding mediator and a leading expert in commercial mediation in Hong Kong, a jurisdiction which is said to have “*led the field in mediation development in Asia*”.

WHO'S WHO LEGAL

The International Who's Who of Business Lawyers 2013
PATENT 2013
TRADEMARK 2013



Anne Choi



Yvonne Chua

Anne Choi and **Yvonne Chua**, partners, Intellectual Property Practice Group, have for consecutive years been identified for recognition as among the world's leading Patent and Trademark Lawyers in these publications which identify experts around the world who can truly be considered leaders in the field.



The Best of the Best 2013

Anne Choi and **Yvonne Chua** are honoured to be named in this Legal Media Group Expert Guide of the world's top pre-eminent practitioners in the area of Trade Marks.



The World's Leading Patent Practitioners 2013

Anne Choi and **Yvonne Chua** are further named respectively as "highly recommended" and "recommended" individuals for Hong Kong in this world patent experts guide.

New Face

We warmly welcome the following newcomer to our firm.



Evelyn Chan re-joined our Litigation and Dispute Resolution Group in July 2013. Since commencing practice as a solicitor in 2004, Evelyn has gained substantial experience in general commercial litigation and arbitration with a focus on cross-border disputes, corporate and commercial disputes, shareholders disputes and asset tracing.

About Us

Listing of S. Culture

We are pleased to represent S. Culture International Holdings Limited ('the Company') on its initial public offering and listing on the Main Board of the Hong Kong Stock Exchange under Stock code 1255. The listing was a significant success notwithstanding tough market conditions, with its public offering over-subscribed by more than 25 times and its international placing also over-subscribed.

The Company is a well-established distributor and retailer of numerous renowned international lifestyle comfort footwear brands including *Clarks*, *Josef Seibel*, *The Flexx* and *Yokono*. With an operating history of 38 years, the Company has established an extensive sales network with 98 retail outlets strategically located in Hong Kong, Taiwan and Macau operating under the trade names of *S. Culture*, *shoe mart* and *SCOOPS*, as well as individual brands including *Clarks*, *Clarks Originals* and *Josef Seibel*, serving a wide customer base.

Our advisory team was led by **Michael Ma**, partner of our Corporate and Commercial Practice Group.

HKTDC Official Legal Advisor on IPR

In being appointed as the Official Legal Advisor (On-Call) for the HKTDC Fairs, we are pleased to continue our co-operation with the Hong Kong Trade Development Council in promoting Hong Kong as the Intellectual Property hub in Asia. The fairs and expos cover a diverse range of goods and interests, including the Hong Kong Fashion Week, Book Fair, Food Expo, Chinese Medicine & Health Products Conference, Wine & Spirits Fair, Optical Fair, Hong Kong International Licensing Show, Education and Careers Expo, FILMART and others. We have seen significant growth in awareness of IP amongst the trade fair participants and the increased importance of the role of the Legal Advisory panel in adjudicating disputes on infringement of IP rights.

Our team of lawyers on the HKTDC panel include Anne Choi, Yvonne Chua, Mena Lo, Esther Ho, Florence Lam, Shireen So and KY So of our Intellectual Property Practice Group.

Appointments

Through strong participation in major national and international bodies, our lawyers contribute to the community.

Michael Chan, consultant, has been appointed by the Law Reform Commission of Hong Kong as a member of the Law Reform Commission's Sub-committee on Archives Law to review the current regime relating to management and preservation of, and access to government or public records for the purposes of considering whether reform is needed and making recommendations as appropriate.

The Law Reform
Commission of
Hong Kong

Yvonne Chua, partner, Intellectual Property Practice Group, will serve as the 41st president of Licensing Executives Society International for the term 2013-2014, being the first Chinese and second female to hold the presidency in the history of LESI, an international organisation to foster the business of intellectual property globally.

Licensing
Executives Society
International

Howard Tsang, Head of our Beijing Office, has continued his service as a member of the INTA Country Guide for China on Trade Dress.

INTA
Country Guide

Talks & Seminars

We are pleased to be involved in, and contribute to, legal education in Hong Kong, China and other regions.

John Budge, partner, Litigation and Dispute Resolution Group, gave a seminar on 9 September 2013 to members of the Hong Kong Institute of Certified Public Accountants on the topic of "Acting as Committee for a Mentally Incapacitated Person". With the growing number of wealthy people in Hong Kong with senile dementia, applications to the High Court for the appointment of a Committee for a mentally incapacitated person are increasing. It is common in large cases that an accountant is appointed as one of the members of the Committee. In the seminar John explained the process of an application to the High Court and thereafter gave some case studies.

Hong Kong
Institute of
Certified Public
Accountants



Conferences

Our members will be attending the following conferences and will be delighted to make arrangements in advance for meeting with clients and associates.

MARQUES Annual Conference

Monte Carlo, Monaco, 17-20 Sept 2013

LES USA & Canada Annual Meeting

Philadelphia, USA, 22-25 Sept 2013

LESI Management & Delegates' Meeting

Philadelphia, USA, 25-27 Sept 2013

PTMG 87th Conference

Vienna, Austria, 2-5 Oct 2013

LESCT and CIPF Forum

Taipei, Taiwan, 14 Oct 2013

LES Asia Pacific Regional Meeting

Hangzhou, China, 15-17 Oct 2013

APAA 62nd Council Meeting

Hanoi, Vietnam, 19-22 Oct 2013

INTA Leadership Meeting

Miami Beach, USA, 12-16 Nov 2013

Earlier Attendance

LES Pan European Conference in Davos in June 2013



(In the middle) Our partner Yvonne Chua, President-elect of Licensing Executives Society International (LESI) with LES Switzerland President Regula Altmann-Johl and other board members

LES Japan AGM held in Shimane in July 2013



(From left to right) Ichiro Nakatomi (LES Japan President-elect), Patricia Bunye (LESI Vice-President), our Yvonne Chua, Kevin Nachtrab (LESI President), Katsumi Harashima (LES Japan President), Junko Sugimura (LESI Asia Pacific Committee Chair)

Publications

We are happy to provide upon request copies of the following published articles written by our lawyers.

“Examining service provider liability for copyright infringement”

- Mena Lo and Kwok Yue So

Intellectual Asset
Management Magazine
15 May 2013

World Trademark
Review LEXOLOGY
15 May 2013

“Changes in patent system announced”

- Mena Lo

Intellectual Asset
Management Magazine
12 June 2013

World Trademark
Review LEXOLOGY
12 June 2013

“Government consults on treatment of parodies”

- Mena Lo

Intellectual Asset
Management Magazine
11 September 2013

Hong Kong

Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012

To enhance the protection of consumers against increasingly prevalent unfair trade practices, amendments to the Trade Descriptions Ordinance, were made and came into effect on 19 July 2013 as the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 (“the Amendment Ordinance”).

There are four major areas of change in the Amendment Ordinance, namely (i) extension of the prohibition of false trade descriptions from goods supplied by any person in the course of any trade or business to services supplied or offered to a consumer by any trader, (ii) expansion of the definition of “trade descriptions”, (iii) creation of five new criminal offences under the fair trading sections and (iv) introduction of a civil compliance-based enforcement mechanism.

Under (ii) above, the definition of “trade descriptions” is expanded to include indications of price, price calculation, the existence of price advantage or discount and availability of goods and/or services. Inaccurate information



Alice Ma

**“...creation of
new criminal
offences and
introduction of a
civil compliance
– based
enforcement
mechanism”**

provided by traders relating to product contents, performance, availability, place of manufacture or country of origin, celebrity endorsement, supplier of services, price advantage are common examples of false trade descriptions.

Fair trading sections of the Amendment Ordinance introduce five new criminal offences, namely misleading omission, aggressive commercial practices, bait advertising, bait and switch and wrongly accepting payment.

- ‘Misleading omission’ refers to a trader omitting or hiding material information in the trade practice and as a result causes the average consumer to make a transactional decision that he would not otherwise have made.
- ‘Aggressive commercial practices’ refer to use of harassment, coercion and undue influence to restrict or impair a consumer’s freedom of choice or conduct in making a transactional decision which he would not otherwise have made. Exploitation of a consumer’s specific misfortune or circumstance by a trader may also constitute an offence.
- ‘Bait advertising’ is committed when a trader advertises for supply at a specified price if there are no reasonable grounds for believing that he will be able to offer for supply those products/services at that price; or when he fails to offer those products/services for supply at that price, for a reasonably long period or in reasonable quantities.
- ‘Bait and switch’ refers to the making by the trader of an invitation to purchase a product/service at a specified price if, having made the invitation, the trader then, with the intention of promoting a different product/service refuses to show the product/service to consumers, refuses to take orders for it and deliver it within a reasonable time or shows a defective sample.
- ‘Wrongly accepting payment’ refers to the act of accepting payment for a product with no intention to supply the product or an intention to supply a materially different product at the time of acceptance. A common example is when a restaurant owner sells dining coupons to consumers with knowledge that his restaurant does not have the capacity to satisfy such needs.

Enforcement Guidelines have also been issued in July 2013 jointly by the two enforcement agencies, Hong Kong Customs and Excise Department and the Office of the Communications Authority on when a conduct may constitute a breach of the fair trade sections, whilst legally such guidelines do not have binding effect.

A civil compliance-based mechanism which seeks to ensure continuous full compliance by traders has been introduced as an alternative to criminal

prosecution. Subject to the consent of the Secretary for Justice, the enforcement agencies can accept a written undertaking from a trader not to continue or repeat the unfair trade conduct or commercial practice as a condition to stay prosecution. Where there is a breach of the undertaking, an injunction may be sought from the Court to put the unfair trade conduct or commercial practice to an immediate end.

Since the Amendment Ordinance involves various new criminal offences, traders are advised to review fully their business practices to ensure full compliance.

Consultation on Treatment of Parody

Altering existing photographs or movie posters with pictures of political figures or re-writing lyrics of existing songs have become two of the most popular ways for Hong Kong netizens to comment on current events. Parody, which was not an issue that the **Copyright (Amendment) Bill 2011** (“the Bill”) sought to address, has now become a subject matter for public consultation. In July 2013, the government issued a consultation paper to seek public views on how the copyright regime should deal with parody appropriately.

The Bill when it was first introduced into the Legislative Council proposed inter alia, criminalizing the act of distributing an infringing copy of the work (otherwise than for the purpose of or in the course of any trade or business which consists of dealing in infringing copies of copyright works) or communicating an infringing copy of the work to the public (otherwise than for the purpose of or in the course of any trade or business that consists of communicating works to the public for profit or reward) to such an extent as to affect prejudicially the copyright owner. Whilst it was the intention of the government to keep the copyright law in line with the rapid development of the knowledge-based economy, the Bill provoked opposition from netizens who were concerned that the amendments could be used as a means to control the freedom of expression. In mid-2012, the Legislative Council suspended further consideration of the Bill for a number of reasons.

As competing rights are involved, to strike a balance between copyright protection and freedom of expression, the government now seeks the views of the public on the following issues before re-introducing the Bill into the Legislative Council for further consideration:-

- Under the present copyright law, for parodies that only incorporate the idea or reproduce an insubstantial part of the underlying work or reproduce a substantial part of the underlying work which falls into the public domain or with the consent of the copyright owner, they do not constitute copyright infringement. Parodies that fall within the permitted acts of the Copyright



Mena Lo

*“to strike a
balance between
copyright
protection and
freedom of
expression....”*

Ordinance are also treated the same. Views are sought on whether this status quo should be maintained or the application of criminal sanction of copyright infringement should be clarified in view of the current use of parody

- Whether a new criminal exemption or fair dealing exception for parody or other similar purposes should be introduced into the Copyright Ordinance
- If a new criminal exemption or fair dealing exception for parody is to be introduced, what should be the scope of and the qualifying conditions or limitations for exemption or exception
- Whether moral rights for authors and directors should be maintained notwithstanding any special treatment of parody in the copyright regime

The consultation exercise will last for three months and after collecting the views of the public, the government will take a policy view on how parody should be treated.



Raymond Chan

“At present, intermediaries are subject to less regulations... poses a threat to individuals who meet the prescribed monetary thresholds... but may not be financially sophisticated in practice.”

Consultation Paper on Proposed Amendments to the Professional Investor Regime and the Client Agreement Requirements

On 15 May 2013, the Securities and Futures Commission (“SFC”) published a *Consultation Paper on the Proposed Amendments to the Professional Investor Regime and the Client Agreement Requirements*. The Consultation Paper addresses the current regulatory framework for the sale of investments and explains the application of regulatory requirements to various types of intermediary services. The Professional Investor regime is discussed along with proposed enhancements.

At present, intermediaries are subject to less regulation when dealing with Professional Investors. This poses a threat to individuals who meet the prescribed monetary thresholds under the Professional Investor Rules, but may not be financially sophisticated in practice.

To ensure fair protection, the SFC proposes that intermediaries cannot dis-apply any requirement in the *Code of Conduct for Persons Licensed by or Registered with the Securities and Futures Commission* for Individual Professional Investors and investment vehicles wholly owned by them or by family trusts. When assessing the knowledge and experience of Corporate Professional Investors, the SFC suggests that intermediaries consider the corporate structure, investment process and controls, as well as the background of the person(s) in charge of investment decisions. Lastly, as the current Suitability Requirement cannot require intermediaries to pay compensation to aggrieved clients and

breaches do not enable clients to claim compensation or bring other claims, the SFC proposes that the Suitability Requirement should be included in client agreements as a contractual term and the agreement terms should also clearly state all the services to be provided.

Trustee Ordinance

The first major amendment to Hong Kong's Trustee Ordinance and the Perpetuities and Accumulations Ordinance since 1934 was passed on 17 July 2013 and will come into force on 1 December 2013. The Secretary for Financial Services and the Treasury said the Bill marks an important milestone in the development of our trust law and will bolster the competitiveness and attractiveness of Hong Kong's trust services industry, thereby enhancing Hong Kong's status as an international asset management centre.

The most significant aspects of the Amendment Bill are as follows:-

1. A new UK style statutory duty of care;
2. Abolition of the rule against perpetuities and the rule against excessive accumulation of income;
3. New statutory trustees' powers to insure and to appoint agents nominees and custodians and new corresponding trustees' duties and liabilities;
4. Statutory control of trustees exemption clauses;
5. Statutory provisions concerning the validity of reserving investment powers to settlors;
6. Anti-forced heirship provisions; and
7. Beneficiary's rights to remove trustees without resort to the courts.

The amendments provide a significant modernization of Hong Kong trust law by updating the powers of trustees and the rights of beneficiaries. It is believed that the Amendment Ordinance will result in a greater number of existing and new trusts being administered in Hong Kong and that Hong Kong law will be a more attractive choice as the governing law of private trusts.



John Budge

***"The
amendments
provide a
significant
modernization
of Hong Kong
trust law..."***

China



Howard Tsang

“The new Trade Mark Law ... was promulgated on 30 August 2013 and will come into effect on 1 May 2014.”

China will have a new Trade Mark Law

This is becoming a reality after many years of discussion. The new Trade Mark Law (“New Law”) was promulgated on 30 August 2013 and will come into effect on 1 May 2014. The old law, enacted in 1982 and amended twice, will soon come to an end. The important changes are as follows:-

1. New trade mark definition and new filing practice

- *A trade mark need not be visually perceptible*

As a result, “sound” qualifies as a trade mark.

- *Multi-class trade mark application*

This will be allowed.

2. Expediting and simplifying trade mark examination

- *Time-limits*

Currently examination time has been very long. Under the New Law, examination by the Chinese Trade Mark Office (CTMO) or the Trade Mark Review and Adjudication Board (TRAB) must be completed within a certain time, extension of which is only permitted where there are special circumstances. Time limits vary in accordance with the nature of the cases, as follows:-

Proceedings	CTMO	TRAB		
	Time limit (months)	Extension (months)	Time limit (months)	Extension (months)
Application	9	NA	9	3
Opposition	12	6	12	6
Invalidation (absolute ground, by CTMO)	9	3	9	3
Invalidation (absolute ground, by interested party)	NA	9		3
Invalidation (relative ground)	NA	12		6
Cancellation (non-use, mark becoming generic)	9	3	9	3

- *Response to substantive office action*

Currently office actions on new trade mark applications relate only to formal matters such as where the description of goods/services does not follow the classification. Under the New Law, the scope of the office actions will be expanded to substantive issues and the applicant may file submissions in response, thus avoiding possible refusal of application and review to TRAB.

3. Revamp of opposition structure

- *TRAB review*

Whilst the applicant losing the opposition at CTMO may continue to file a review at TRAB, the losing opponent no longer has this right and the mark will become registered. The opponent can then seek invalidation at TRAB.

- *Reasoning of CTMO decision*

CTMO will no longer be required to set out its reasons for upholding or refusing an opposition. It only needs to state whether or not the mark may be registered.

- *Locus standi*

While currently any person may file an opposition, under the New Law, an opposition based on relative ground may only be made by an interested party or one having prior rights.

4. Tackling bad faith applications

- *Good faith principles*

Applications for registration and use of a trade mark should follow the principles of honesty and credibility though it is unclear if “bad faith” alone is a sufficient ground for trade mark opposition.

- *Example of bad-faith*

The bad faith ground currently available to the owner of an unregistered mark in an opposition or invalidation against an applicant who is an agent of the owner with respect to that mark will be extended to situations where the applicant should have knowledge of the mark due to “a previous course of dealings, a contractual or other relationship” with respect to the same or similar goods bearing the same or similar mark.

5. Damages, assessment and increase

- *Statutory damages*

The maximum amount awarded by the court will be increased 6-fold from RMB500,000.00 to RMB3,000,000.00.

- *Punitive damages*

Up to 3 times the normal damages may be awarded in serious bad faith infringements.

- *Discovery*

The court may order the losing party who is an infringer to produce its accounts and books for the purpose of assessing damages failing which the court may assess damages by reference to the claims and materials produced by the plaintiff.

- *Royalty rates*

The lost profits of the winning plaintiff may be calculated by reference to reasonable royalty rates.

- *Mark not in use*

A winning plaintiff cannot recover damages if its mark has not been in use in China for the past 3 years

6. Elements constituting infringement further defined

- *Confusion*

Unlike the current position, proof of likelihood of confusion will be essential to constitute trade mark infringement, except where identical mark and identical goods/services are involved.

- *Anterior use defence*

Anterior use of the mark in respect of the same or similar goods is a valid defence to infringement even though the mark is not registered, provided that it can be proved that the earlier mark has already enjoyed a certain level of influence, but the proprietor of the registered mark shall have the right to require a sign to be attached to the goods to distinguish them.

7. Regulation of trade mark use and practice

- *Use of term “well-known mark”*

As the well-known mark status has often been used as propaganda, this

term may not be used on goods, packaging or advertisements thereof or commercial activities in relation thereto by the manufacturer or dealers, even though the mark has been duly recognized as a well-known mark.

- *Trade mark agents and agencies*

Rules on good practice are set out, one of which requires trade mark agencies not to handle trade mark applications which are filed in bad faith; and non-compliance with such rule will result in sanction.

Cross province victory against counterfeits in China

Recent victory by our renowned client in the toy manufacturing industry in disbanding a cross-city/province syndicate following a series of raids and resulting in severe criminal convictions, demonstrated the power of the Chinese authorities in their determination to combat counterfeiting.

We are pleased to assist our client in this extensive infringement case which started with a factory in Yangzhou, Jiangsu Province being found to be producing counterfeit toys. Pursuant to close cooperation between us and the Yangzhou Public Security Bureau ("Yangzhou PSB"), a massive raid was quickly conducted with 159 carton boxes of counterfeit toys containing nearly 9000 pieces and vast quantity of labels being seized, and the factory's legal representative, workshop manager, and accountant on site all arrested.

In the belief that this factory was connected to a syndicate earlier investigated by us, further investigations were swiftly extended to other parts of China with a team being sent by Yangzhou PSB to Dongguan in the Guangdong Province to locate the manufacturer that supplied the toy parts to the Yangzhou factory, and simultaneous investigations into the downstream buyers in Shanghai and Tianjin against which further raids were duly conducted resulting in seizures of counterfeit toys. This followed with the intermediary between the Yangzhou and Dongguan factories being arrested and detained. In December 2012, all the key persons in the syndicate including the president of the Yangzhou factory, the consignor who placed orders for the counterfeits as well as the distributors in Shanghai and Tianjin, were criminally convicted with sanctions of imprisonment up to 3 years 6 months and fines as high as RMB2.3 million. Whilst appeals were filed by the first two defendants, the Intermediate Court in its final judgment in April 2013 upheld the First Instance decision.



Yvonne Chua



Shireen So

"With the correct strategy, speedy action..., proactive cooperation between the brand owner and the enforcement authorities, forceful actions can be effectively carried out to dissolve multi-cities/provinces conglomerates."

This case is a prime example of how enforcement of IP rights can be achieved with great success in the much improved IP regime in China. With the correct strategy, speedy action and also importantly, proactive cooperation between the brand owner and the enforcement authorities, forceful actions can be effectively carried out to dissolve multi-cities/provinces conglomerates.



Florence Lam

“ ‘TRAB’ ruled that the... voluminous evidence submitted... clearly showed that the FUNKTION-ONE mark was not only well-known internationally but also amongst the relevant trade in China...”

FUNKTION ONE successfully challenged pre-emptive mark

The PRC Trade Marks Law prohibits pre-emptive registration of a trademark that is already in use by another person in respect of identical or similar goods and has gained a certain level of influence in China.

In representing FUNKTION ONE RESEARCH LIMITED (“Funktion One”), an internationally renowned inventor and manufacturer of professional point source loudspeaker systems, we are pleased to have successfully established that the trademark filed by Wu Meiling (“Wu”), a Chinese individual, is a pre-emptive registration of the FUNKTION-ONE mark which has attained a certain level of influence in China prior to the filing of Wu’s mark.

Funktion One’s products have gained high regard internationally for their unique techniques, designs and perfect acoustics and have been adopted for use in prestigious events such as The Central Show Arena at London’s Millennium Dome in the year 2000.

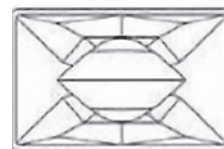
Wu’s mark featured below was filed on 16 March 2005 in respect of, inter alia, loudspeakers and sound reproduction apparatus and is a substantial reproduction of Funktion One’s marks (see below).

Wu’s mark



Funktion One’s marks

FUNKTION-ONE



Notwithstanding that the evidence on use of Funktion One’s marks in China prior to the filing date of Wu’s mark might not be very substantial, the Trademark Review and Adjudication Board (“TRAB”) ruled that by the additional voluminous evidence submitted which clearly showed that the

FUNKTION-ONE mark was not only well-known internationally but also amongst the relevant trade in China, the mark has satisfied the requirement of having attained “certain influence” in China. Evidence of Funktion One’s participation in international and local exhibitions, write-ups on its products in international and local trade magazines proven to have circulation in China, the many professional awards won as well as specific correspondence from Chinese companies expressing strong interest in doing business with Funktion One were all accepted as good evidence of use.

China Alert

Reduction in Trade Mark Application Fee

Effective from 1 October 2013, the application fee for paper trade mark registration will be reduced from RMB1,000 to RMB800 per application.

Notice: This newsletter is intended for general information only and should not be taken as legal advice of Wilkinson & Grist. For any enquiries, please contact Ms Anita Kwan at anitakwan@wilgrist.com.

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Hong Kong
Beijing

Wilkinson & Grist



HK/China base with International Focus

Major areas of
practice:

- Banking
- Bankruptcy & Insolvency
- China Trade
- Civil Litigation & Arbitration
- Company & Commercial
- Conveyancing & Real Estate
- Employment & Labour Relations
- Family & Matrimonial
- Intellectual Property
- Information Technology
- Private Client
- Securities & Investment

- A long tradition of excellence since 1860's
- Our own IP agency in Beijing
- Hong Kong lawyers joining forces with PRC counsel, trade mark agents and patent agents.

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