



Jason WANG

Partner

Trademark Attorney

PRC Attorney-At-Law

Trademark Law Committee member at the Beijing Bar Association

The Enforcement Committee at INTA

Mr. Wang obtained his Juris Master degree from Capital University of Economics and Business and Bachelor degree from Beijing International Studies University. Mr. Wang worked three years in other companies / firms before joining Beijing East IP Ltd. / Beijing East IP Law Firm in 2004. Mr. Wang heads the trademark & copyright & legal group. Mr. Wang speaks Chinese (native) and English.

T: +86 10 8518 9318

F: +86 10 8518 9338

E-mail:

jason.wang@beijingeastip.com

BELJING

In the past decade, Mr. Wang has successfully obtained well-known mark recognitions before the Chinese Trademark Office (CTMO), the Trademark Review and Adjudication Board (TRAB) and Chinese courts for various worldwide famous brands in the field of Internet, motorcycle, musical instrument and hotel, which is rare and difficult for foreign trademark registrants.

Mr. Wang has also won various high-profile trademark cases, copyright cases, and other IP cases, including retrial cases before China Supreme Court. Among which, Mr. Wang successfully represented the client to win both the two retrials of the Duck King case, and the second retrial case before China Supreme Court is listed as China Courts 2013 Top 10 Innovative IP Cases.

Mr. Wang also represented an international giant in the jurisdiction challenge and the trial case regarding the high-profile patent royalty dispute and the anti-trust dispute respectively, where the appellate cases thereof are listed as China Courts 2013 Top 10 IP Cases and China Courts 2013 Top 50 Typical IP Cases, Managing IP 2013 Global Top 10 Cases, as well as China Courts 2013 Top 10 Hot Issue Cases. In addition, various trademark cases represented by Mr. Wang have been listed as Shunde Court Top 10 IP Cases (2008-2012), candidate of Guangdong Courts Top 10 IP Cases 2012, and Beijing Courts 2013 Top 43 typical trademark cases of court appeals.

Mr. Wang has handled thousands of trademark prosecution matters before the CTMO and the TRAB, hundreds of trademark court appeals and infringement lawsuits before Beijing courts and other various courts, and administrative complaints before Administration for Industry and Commerce (AIC) for Fortune 500 companies and leading multinationals. Mr. Wang has also handled various other IP related matters such as domain name disputes before CIETAC and ADNDRC, unfair competition

lawsuits and copyright infringement lawsuits before courts.

Mr. Wang has published over 20 articles on renowned magazines such as China Trademark (sponsored by China Trademark Association under supervision of the SAIC overseeing the CTMO and the TRAB) and Trademark Communication (CTMO internal magazine) as well as the IP website sponsored by former chief judge at IP Tribunal of China Supreme Court. Mr. Wang's select publications regarding trademarks are as follows:

Professional Leadership

Trademark Law Committee member at the Beijing Bar Association

Publications

- 2015 Relationship between Paragraph 3 of Article 59 and Latter Part of Article 32 of the Chinese Trademark Law
- 2014 Weight of Evidence of Trademark Registration Certificate and Trademark Gazette in Determining Copyright Ownership
- 2014 Trademark Distinctiveness Affects the Determination on Bad Faith Filing
- 2014 "Duck King in Chinese" Retrial as China Courts 2013 Top 10 Innovative IP Case
- 2014 Protection for Prior Copyright in Trademark Disputes (co-authorship)
- 2013 Starting Date Calculation for Three-Year Non-Use Cancellation
- 2013 Judgment on "Preemptive Registration by Unfair Means" in Article 31 of the Chinese Trademark Law
- 2013 Conflict between Enterprise Name and Prior Trademark – Comment and Analysis on Article 58 of the Chinese Trademark Law 2013
- 2012 Analysis and Comment on Well-known Marks in Internet Field
- 2011 DUCK KING Case: Harmonization of Prior Rights Protection and Marks with High Fame
- 2011 Restrictions on Disclaimer of Trademark's Partial Exclusive Rights
- 2010 Forms of the Conflicts between Trademark Registration and Trade Name
- 2009 Solution Principles of Conflicts between Trademark Registration and Trade Name

- 2008 Assignor and Assignee in Trademark Administrative Dispute Procedure
- 2008 Special Protection of Well-known Mark and Famous Mark
- 2008 Could Catch-all Provisions in Trademark Filing Really Catch “All”?
- 2007 Discussion on Well-known Mark of Tsing Hua University
- 2007 “Other Detrimental Influence” Provision and Good Faith Principle in Trademark Filing
- 2006 Legal Effects of License of Unregistered Trademark

Speaking Engagements

The “Online Dispute Resolution in the Internet-Plus Era” seminar co-hosted by the China International Economic and Trade Arbitration Commission, Online Dispute Resolution Center (CIETAC ODRC) and the Asian Domain Name Dispute Resolution Center (ADNDRC) in June 2015

The 2014 U.S. and China IP Dialogue Seminar co-hosted by the Gao Lulin Foundation and the Silicon Valley Intellectual Property Law Association (SVIPLA)

Areas of Practice

Trademark Prosecution

Trademark Enforcement and Litigation

Anti-unfair Competition

IP Customs Recordal

Domain Name Disputes

Industries

Electronics & Semiconductors

Computer, Information Technologies & the Internet

Mechanical & Industrial Manufacturing

Chemical, Biotechnology & Pharmaceuticals

Consumer Goods

Hospitality

Highlights

Won the court appeal against the TRAB based on prior trade name, representing the largest travel guide book publisher in the world. (2015)

Successfully defended in a court appeal where both the courts and the TRAB hold that the opposed mark in Chinese is similar to the cited mark in English due to the high fame of said English mark,

representing one of the largest U.S. residential mortgage companies. (2015)

Won the trademark infringement and copyright infringement lawsuits before Shunde District Court of Foshan City, representing a global leading standard setting organization. Damages of US\$ 67,000 were granted by the court, and individuals behind the online infringement are held liable based on complicated chain of evidence and information like Whois, RIPE, IP address, telephone number, fax number, and email address. (2014)

Successfully settled a trademark infringement lawsuit on behalf of a worldwide giant in fast food restaurant industry before Shanghai court. (2014)

Successfully defending non-infringement in a trademark infringement case before Shenzhen court, representing a famous multinational hard drive manufacturer, where the Plaintiff claimed damages of US\$ 250,000. (2014)

Won the trademark infringement case before Beijing Second Intermediate Court, representing a world leader of electronic test tools. (2014)

Won three court appeals against the TRAB decisions, representing an American casino and resort operating company. (2014)

Won a very high profile, challenging, procedure complicated, and unprecedented retrial case representing a restaurant before Beijing High Court and China Supreme Court respectively. Mr. Wang successfully assisted the client in initiating the re-trial process via a unique route prescribed under the law by persuading China Supreme Procuratorate to docket the case and protest against the China Supreme Court, and China Supreme Court ordered Beijing High Court to hear the retrial case. After Beijing High Court rendered the favorable re-trial decision for the client by reversing the first and second instance court decisions, Mr. Wang also successfully defended the adversary's request for re-trial before the China Supreme Court. The re-trial decision rendered by the China Supreme Court has further clarified and improved its judicial interpretations. The second re-trial before the China Supreme Court is listed as one of the China 2013 Top 10 Innovative IP Cases, which is selected out of over 110,000 IP court decisions around China in 2013. (2013)

Represented an international giant in the jurisdiction challenge and the trial case regarding the high-profile patent royalty dispute and the anti-trust dispute respectively, where the appellate cases thereof are listed as China Courts 2013 Top 10 IP Cases and China Courts 2013 Top 50 Typical IP Cases, Managing IP 2013 Global Top 10 Cases, as well as China Courts 2013 Top 10 Hot Issue Cases. (2013)

Successfully obtained well-known mark recognition in the court appeals against the TRAB decision for a world-wide famous

portal and Internet search engine. (2013)

Won dozens of trademark and copyright infringement lawsuits before Beijing First Intermediate Court, representing a global leading standard setting organization. (2012, 2013)

Won the trademark infringement case before Beijing First Intermediate Court and Beijing High Court, representing a NASDAQ listed U.S. online travel information provider. (2012)

Successfully obtained well-known mark recognitions in the court appeals against the TRAB decisions for a world-wide famous luxury hotel. This is one of the rare cases among around 100 well-known marks that the Beijing First Intermediate Court (first instance court of judicial review for the TRAB decisions) has recognized from 2001 to 2012, among which around 30 marks are owned by foreign registrants. (2012)

Won the trademark infringement and unfair competition case before the Guangdong High Court and Shenzhen Intermediate Court, representing a world-wide famous Internet search engine and portal. The courts ordered the defendant to cease the trademark infringement, change the trade name with the local AIC, and pay damages of around US\$ 66,000. This case was selected as a candidate of the 2012 Top 10 IP Cases handled by Guangdong Courts where the 26 candidates include 6 cases involving foreign parties. (2012)

Won four trademark infringement, copyright infringement and unfair competition lawsuits before Shunde District Court of Foshan City, representing a global leading standard setting organization. This case has been reported by People's Court Newspaper sponsored by China Supreme Court, which is the largest and most authoritative judicial newspaper in China. This case is listed as the TOP 10 IP Case (2008-2012) handled by Shunde Court among over 1,400 IP cases. This case involves the newly emerging type of online IP rights infringement. (2012)

Won the court appeal against the TRAB decision, representing a world-wide famous luxury hotel, based on the prior copyright before Beijing First Intermediate Court and Beijing High Court. (2011, 2012)

Successfully defended and was granted a favorable order of staying the trademark infringement case filed by a Chinese trademark troll before a Shenzhen court, representing a world-wide leading hard disk manufacturer. (2011)

Won the trademark infringement case before Beijing First Intermediate Court, representing global leading translation company. (2011)

Successfully obtained well-known mark recognitions before the CTMO for another world-wide famous Internet search engines and portals. This is the first recognized well-known status in 2000

in Internet field, and a record high of around 40 trademark cases recognizing well-known marks within recent three years before the CTMO and the TRAB. (2010)

Successfully settled a copyright infringement lawsuit before Haizhu District Court of Guangzhou City, representing a U.S. fashion information provider against a Chinese company. This case mainly involves the issues of complicated process of evidence collection on infringing works and evidence collection proving ownership of works in electronic form. (2010)

Successfully designed the plan and brought the patent infringement lawsuit representing one of the world's largest private textile firms against a local influential manufacturer in Hongzhou to Beijing Second Instance Court, successfully defended the jurisdiction challenge raised by the adversary, and the court held the defendants liable for the patent infringement. (2010)

Successfully obtained well-known mark recognitions before the CTMO for a world-wide famous Internet search engines and Fortune 500 company. This case has created a record of achieving the well-known status in the shortest time frame of three years since the trademark owner's establishment. (2009)

Successfully obtained a favorable award for the arbitration regarding patent and technology assignment agreement involving amount of US\$ 2.5 million. (2009)

Won two trademark infringement lawsuits and successfully settled a trademark infringement and unfair competition lawsuit before Shenzhen Intermediate Court, representing a Fortune 500 company and famous IT company. The defendant ceased infringement and changed the trade name with local AIC. This case involves the hotly debated issue of conflicts between trade name and trademark registration. (2007)

Won various trademark oppositions, opposition appeals, rejection appeals, and dispute cancellations before the CTMO and the TRAB, representing hundreds of clients in various industries. These cases cover various issues like celebrity name protection, prior copyright, well-know mark recognition, cross-Class protection, bad faith filing, similarity between marks and goods/services, and distinctiveness of marks.

Won dozens of complaints under UDRP policy and CND RP policy in the .com and .cn domain name disputes, representing the world leading companies in various industries.

Admissions

PRC Attorney-At-Law

Education

Capital University of Economics and Business, Juris Master degree

