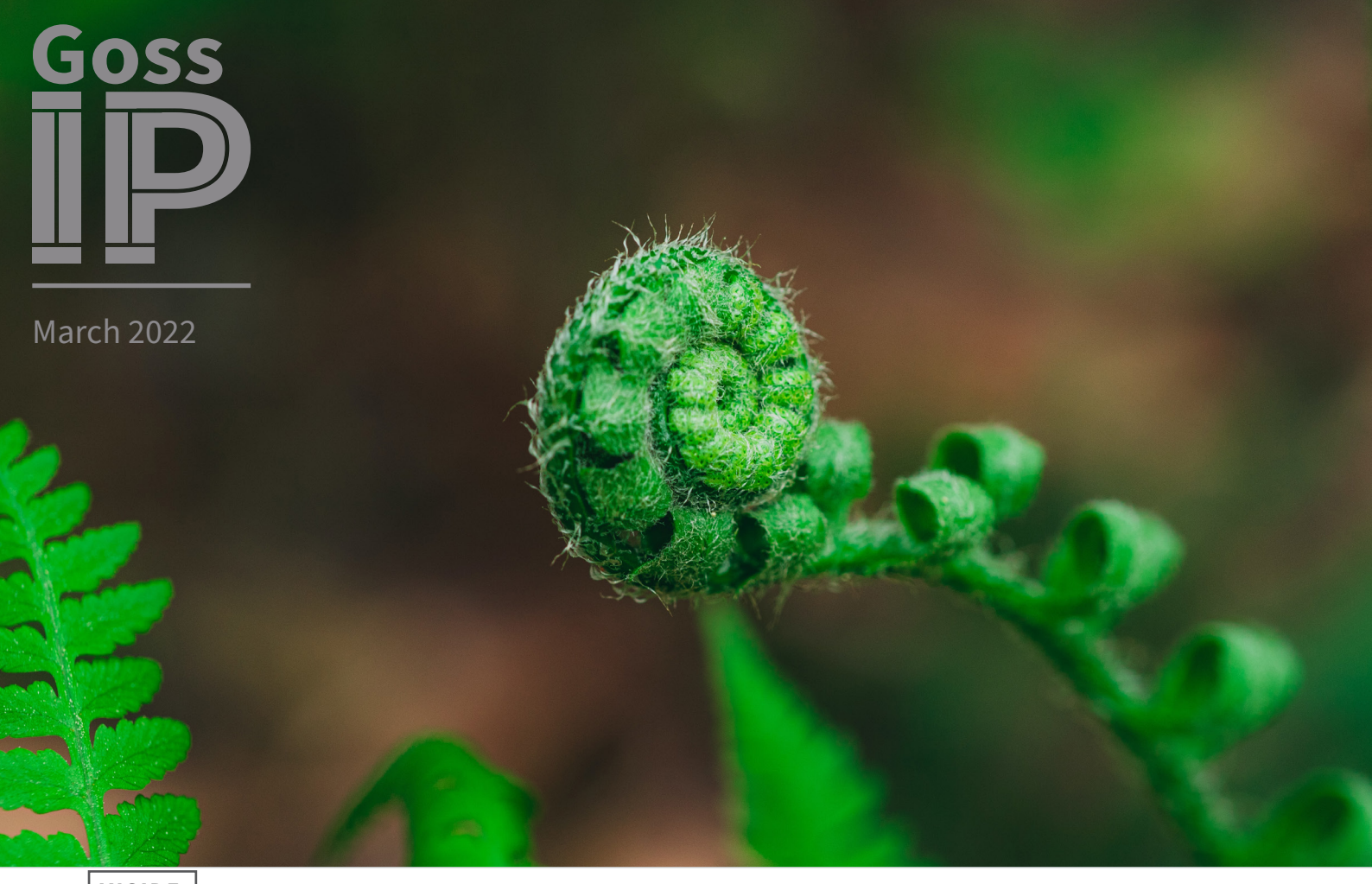
Goss IP

March 2022



INSIDE

Dear readers,

Spring has started with some special news and trademark cases from your favorite law firm.

We start the first issue of 2022 with a case that sees a brand fighting against the CNIPA for the registration in China of a trademark similar to a national flag. But Tommy Hilfiger is very determined with the protection of its brand and finally succeeded.

Still on trademark topic, we discuss the *"MatePod"* trademark registered by Huawei and opposed by Apple. Huawei, during the years, won several trademark cases with other big companies, such as Chanel and Under Armour. Read along to see what happened.

Right after, the examination of the coexistence of similar trademarks, thanks to special agreements. But not all that glitters is gold: CNIPA and the courts can also decide to not accept the Letter od Agreement to protect the consumers.

How do internet celebrities protect their IP right? As the case of one of the most famous Chinese internet celebrities shows, it's not easy to manage all the issues coming from different parties' agreements, especially when it comes to trademarks that worth a considerable amount of money.

Just before the last article, where we analyze the consequences of defects in writing food labels, it's time for CNIPA to take stock of the past year with a short notice about the achievements in 2021.

Last but not least, an announcement from HFG, which has gained two new partners!

Read us, follow us, share us!

And enjoy the springtime

HFG Law&Intellectual Property

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LAW & INTELLECTUAL PROPERTY

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The LEGAL 500 ASIA PACIFIC LEADING FIRM 2015

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IP Law

Bless to Tommy Hilfiger, Yemen said

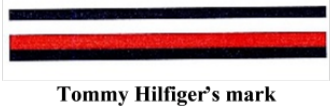
It is becoming a well-known fact that nowadays obtaining a trademark registration is more and more difficult in China. Through a comparison between 2020 and 2019, we can see that approval rate of trademark registration decreased from 81% to 61%.

Sometimes the applications are rejected due to grounds not even considered by the Applicant when filing the application with the CNIPA.

This is what happened to the famous American brand Tommy Hilfiger, which has recently faced a long battle with the Chinese trademark office in order to get the protection of its iconic strip-mark.

Let's start with the background of this case.

On 23 July 2018 the American company filed a trademark application for a stripe logo trademark in Class 25. Few months later, the CNIPA rejected the application arguing that the mark was similar to the national flag of the Republic of Yemen, therefore forbidden from registration.



Tommy Hilfiger's mark

Yemen's national flag

Not ready to give up about its mark, the applicant applied for a review of the refusal before the Trademark Review and Adjudication Bureau (TRAB) of CNIPA.

In its defense, Tommy Hilfiger sustained the overall and clear differences between the mark applied for and Yemen's national flag, based on the color combination and the overall different layout.

Notwithstanding the argument, the refusal was upheld by the TRAB.

Not content with the decision (and probably defiantly), Tommy Hilfiger applied for the same trademark in Class 25 in Yemen to contest the refusal. The Yemen authority officially approved the registration on 22 October 2019.

Upon receipt of the favorable news, in December 2019 Tommy Hilfiger appealed the TRAB's decision to the Beijing IP Court. Together with the submission of the appeal, Tommy Hilfiger submitted a notarized and legalized certificate of the trademark just granted, in order to prove the bless of Yemen authority to the application.

One more time, the Chinese Authority upheld the decision.

One more time, Tommy Hilfiger appealed the decision.

On September 2021, reversing the previous decisions, the Beijing High Court ordered the TRAB to issue a new decision.

Herein a recap of the ground cited by the Court:

- it's true that Tommy Hilfiger's mark reminds Yemen's national flag in terms of overall appearance and visual effect.
- it's also true that the correspondent registration filed and granted – and notarized – in Yemen proved that the Yemen government consents to the registration of the mark in China.

All this premised made, the mark should thus be allowed for registration.

Conclusion

Article 10.1.2 of the Chinese Trademark Law establishes that: *"None of the following signs may be used as trademarks:*

(1) Those identical with or similar to the State name, the national flag, emblem or anthem, the military flag, emblem or songs, or medals of the People's Republic of China; or those identical with the names or emblems of Central State organs, the names of the specific locations where the Central State organs are seated; or those identical with the names or designs of landmark buildings;

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(2) Those identical with or similar to the State name, national flag, national emblem or military flag etc., of a foreign country, ***except with the consent of the government of that country".***

Indeed, as the case shows us, it is possible to overcome CNIPA refusal under article 10.1.2 by proving and submitting evidence about the consent obtained by the foreign Country on the use of the flag as trademark, and the trademark protection granted by the Country constitutes a demonstration of consent.

This opens a path for companies to get their trademark registrations in China granted in the end.

Silvia Capraro
HFG Law&Intellectual Property

IP Law

Huawei wins against Apple over *"MatePod"* trademark

Over the years, the competition between Apple and Huawei in the tech and communication field has been extremely fierce, because Huawei's mind set and products have a tendency to be on an equal footing with Apple's.

Although Huawei's technology competition with Apple has gradually weakened due to some operation restrictions in the United States, there have been many frictions in other fields.

In 2021 Huawei Technology Co., Ltd. (hereinafter referred to as Huawei) added a new trademark to its portfolio, which is the trademark leading the case. It added it after applying for it and winning an opposition filed by Apple Inc. (hereinafter referred to as Apple). The trademark involved is the *"Huawei Matepod"* trademark.

Apple claimed that Huawei *"maliciously duplicated"* its trademarks, *"which might have a harmful impact on society"*, believing that the trademark plagiarizes *"airpods"*, *"earpods"* and other trademarks.

However, the CNIPA believes that the evidences provided by Apple are insufficient and lack factual basis. Therefore, CNIPA approves the trademark registration of *"Huawei Matepod".*

CNIPA's database shows that Huawei applied to register the mark *"Huawei Matepod"* in Classes 9, 35, 38, 41 and 42 but managed in the end of this opposition case to register *"Huawei Matepod"* in Classes 9 (No.43609852) and 35 (No.42254685).

During the opposition procedure, Apple declared that their *"Pod"* has become a popular term to name its smart devices and accessories.

Also, Apple stated that *"MatePod"* and *"HUAWEI Mate Pod"* are similar to Apple's *"POD"* trademarks that includes the following and famous:

No. 27962854 *"POD"*; No.5414981 *"IPod"*; No.17636443 *"AIRPODS"* and so on and all covering goods in class 9.

A search at the CNIPA's database could reveal many trademarks incorporating the term *"Pod"*, in particular in Class 9.

It could be seen from the official records that Apple raised many oppositions and successfully opposed marks such as *"Podtime", "PodsGO", "Powerpods", "TransPods", "BlackPods"* and the list goes on for 188 pages.

Additionally, Apple also claimed Huawei's bad faith in registering the mark but was not supported by the examiner.

Eventually, the CNIPA examiner believed that the goods designated for use by the objected trademark and the goods approved for use by the objector's cited trademark are similar in function, purpose, sales channel and consumption object, and belong to the same or similar goods.

However, the English letter composition of the trademarks of both parties is different, and there are obvious differences in pronunciation and overall appearance.

Therefore, the trademarks of both parties do not constitute similar trademarks used on similar goods, and their coexistence in similar goods generally will not cause confusion and misunderstanding of consumers.

Therefore, in accordance with Article 35 of the trademark law, the State Intellectual Property Office decided that the trademark *"Huawei Matepod"* No. 43609852 was approved for registration.

This is another victory for Huawei, who has, during the years, won various graphic trademark cases with other big companies such as Chanel and Under Armour.

Apple still has the chance to file invalidations against any registered *"Huawei Matepod"* trademarks. We will have to see whether or not that will happen.

Laura Batzella
HFG Law&Intellectual Property

IP Law

Coexistence of similar trademarks: how is it possible?

The numbers of trademark applications in China are huge. In 2020 alone, there are more than ten million trademarks filed at the trademark office.[1] Until 2021, the number of valid trademark registrations in China is 37.24 million.[2]

With such an enormous volume of trademark applications and registrations, it becomes quite normal that trademark applicants have encountered rejections due to prior existing trademarks. When being rejected, a letter of consent (LoC) sometimes can be the way to still ensure a successful registration of the mark.

In practice, however, achieving a LoC and having it admitted by the CNIPA could be complicated. Unlike the UK[3] or some other jurisdictions, the PRC Trademark Law does not include regulations about the admissibility of a LoC. Nevertheless, relevant authorities might accept a LoC in some circumstances, provided the counterparty is willing to sign a LoC and the co-exist of trademark will not cause confusion among relevant consumers.

What do the authorities look at?

When considering whether to accept a LoC, the CNIPA and the Court generally consider two factors.

- **The first factor is that the two trademarks should have certain differences.**

For example, in the below case of BREAL/BOREAL, the TRAB decided to accept a LoC submitted during an appeal against refusal because there are some differences between trademarks in disputes.

Applied trademark	Cited trademark
BRÉAL	BOREAL
	BOREAL

- **The second factor is that the co-existence of the trademarks should not confuse relevant consumers.**

For example, in the UGG/UCG case, the Court held that the disputed trademark's designated services, besides import and export agency, are not similar to the designated services of the cited mark. The LoC manifests the cited trademark owner's disposition of its trademark rights and should be respected in the absence of evidence that the consent of co-exist would be detrimental to the interests of consumers.

When considering the strategy of using a LoC to settle disputes, it is important to bear in mind that the letter alone does not suffice; possible confusion among relevant consumers also matters. This is to say that despite both parties' intention to co-exist on the same or similar products, the Court will also protect the interests of consumers.

No letter of consent for TAYRON/TYRON

In the 2021 TAYRON/TYRON-case, although the trademark applicant has submitted a co-existence agreement, both the CNIPA and the court decided not to accept the LoC.

Disputed trademark	Cited trademark
TAYRON	TYRON

The court held that the designated goods of the disputed trademark and cited trademark belong to the same subclass, and thus they constitute similar goods. The difference between the disputed trademark and the cited trademark is only one Latin letter.

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If the disputed trademark and the cited trademark are used together on the same or similar goods, consumers will likely to believe that the goods bear the trademark come from the same owner or have a specific relationship between the providers of goods, thus leading to confusion and misunderstanding.

Although in the decision the Court has not mentioned the trademark owner's business areas, it is possible that the trademark owner's main business have been considered by the court because the trademark application is in the automobile industry and the owner of the cited trademark is in the tires industry. The co-existence of the two trademarks might cause confusion among relevant consumers because tires are used on automobiles.

A similar pattern can be found in the Beijing higher people's court's decisions and relevant authorities' documents. It can be seen from below examples that when the trademark owners of the cited trademark and applied trademark are in different industry, the LoC have a higher chance of being accepted by the Court. Additionally, relevant authorities' documents also show that the possibility of confusion is essential to protect the interests of consumers.[4]

	Official department	Case number	Disputed trademark	Cited trademark	Trademark owner's industry
LoC **not** accepted	Beijing higher people's court	(2011) Gao Xing Zhong Zi No. 1308	Holex	HOLEC	Providing business solutions
LoC accepted	Beijing higher people's court	(2012) Gao Xing Zhong Zi No. 1043	UGG	UCG	Boot v. banking group
LoC accepted	Beijing higher people's court	(2018) Jing Xing Zhong No. 1617	19127130	330787	IT v. analog
LoC **not** accepted	Beijing higher people's court	(2020) Jing Xing Zhong No. 4508	TAYRON (No. 30191626)	TYRON (No. 1613996)	Automobile

Dead or alive?

In conclusion, even if a consent is legal, authentic and effective, it should also exclude the possibility of confusion and misunderstanding of the source of goods, and then relevant authorities may accept it. Sometimes a LoC can be a useful tool for overcoming a trademark refusal and settling potential infringement, and sometimes it is just not practical to reach a LoC and have it accepted by authorities. Naturally, appeals at courts could also make a difference in the result.

For now, the Letter of Consent is still alive in China, but needs to be assessed on a case-by-case basis.

Summer Xia
HFG Law&Intellectual Property

[1] https://www.wipo.int/ipstats/en

[2] https://mp.weixin.qq.com

[3] Trade Marks Act 1994 *"(5) Nothing in this section prevents the registration of a trade mark where the proprietor of the earlier trade mark or other earlier right consents to the registration"*

[4] In TRAB's *"Legal Communications"* issued in 2017, the TRAB has introduced that *"If the parties have reached a coexistence agreement that has resolved their conflicts and indicated that they will not free-ride on each other in business practice, the parties may be presumed to have good faith. However, since protecting the interests of consumers is also the purpose of trademark law, when deciding whether or not to coexist, one should also consider the degree of similarity of the goods, the degree of similarity and popularity of the two parties' trademarks".*
In 2019, the Beijing Higher People's Court has issued a Guidelines for the Trial of Trademark Right Granting and Verification Cases (The Guideline). The article 15.10 of which has stipulated that *"When judging whether the trademark in dispute is similar with the reference trademark, the coexistence agreements may be used as prima facie evidence to exclude confusion".*
The abovementioned regulations are no longer valid since 2010.

IP Law

Web celebrity Li Ziqi is not the owner of her trademark

As one of the famous internet celebrities in China, Li Ziqi has millions of fans on various online platforms. Being famous for video making of traditional Chinese food and displaying idyllic pastoral life, she owns the Guinness world record title of *"YouTube Chinese Channel with the largest number of subscriptions"*. However, Li Ziqi has not updated her channel for several months and it may be related to her litigation with the company Hangzhou Weinian Brand Management Co., Ltd.

In order to understand the disputes between two parties, we need to understand the cooperation model of internet celebrities and management companies. It can be seen as an IP, created and maintained by internet celebrities themselves and the MCN (Multi-channel network) organizations behind them.

The two parties take charge of different parts including shooting the video, script writing, post-production, marketing, promotion and so on. Generally speaking, the MCN organizations will help the bloggers to raise their reputation and manage their brands. The two parties will share the benefits in accordance with their agreement.

Weibo account of Li Ziqi

Taking Li Ziqi as an example, her team is in charge of content writing, theme designation, video editing and other things related with the video. While Weinian Company is responsible for other things, such as promotion.

With the development of online video platform, the influence of internet celebrities is increasing rapidly. In this age of big data, top bloggers who have a large number of fans can create their own IP and turn these resources into benefit.

However, it will arouse a problem of the benefit distribution between the internet celebrities and the marketing companies behind them.

How do internet celebrities protect their IP right? Trademark and equity may be two vital factors.

Can you imagine that the trademark " 李 子 柒 " may not belong to Li Ziqi herself? Actually, her real name is Li Jiajia (李佳佳) and not Li Ziqi (李子柒). As her real name is not Li Ziqi, and Li Ziqi is her stage name, it means that this case is a pure trademark case.

This would be different if the trademark would have been Li Jiajia (李佳佳), which would then be her personal name and as such would belong to herself as a personality right which cannot be renounced, transferred or inherited. Therefore, the trademark " 李子柒" does not naturally belong to Li Ziqi.

Instead, the trademark " 李子柒 " was registered by Weinian Company at first and then transferred to Sichuan Ziqi Culture Communication Co., Ltd, in which Weinian holds 51% equity and Li Ziqi holds 41%.

It means that Li Ziqi does not actually control the Ziqi Company which owns the trademark " 李子柒 ".
Thus, for the outside world, it still remains unknown who will get the trademark if they end the cooperation.

How much is the IP of Li Ziqi " 李子柒 " worth? It may well go beyond your imagination. According to statics, Li Ziqi has more than 27 million fans on Weibo and more than 14 million fans on YouTube, which could amount into a considerable wealth. Also, the online stores on Taobao and Jingdong are named after *"Li Ziqi"*.

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The river snails rice noodles, the most popular product of the Li Ziqi online store, sells more than 300,000 pieces a month. *"Li Ziqi"* appears to be a trademark with a certain reputation since consumers come to purchase the products because of her reputation, which is one of the ways for internet celebrities to turn their fame into income.

However, since Li Ziqi focuses on the video shooting, Weinian Company is the operator of the online store and it even established a factory to improve the production of the goods. Unlike other top internet celebrities, Li Ziqi does not hold equity in Weinian Company. Shareholding structure affects benefit distribution and decision-making, which may finally trigger a litigation.

The Li Ziqi case is a lesson for all the internet celebrities who want to turn themselves into a brand. How to protect IP is an important issue. Many people have a misunderstanding that the IP they build belongs to themselves naturally even though they do not take any protection measure. However, when it turns into a trademark, it can be registered by others or transferred by valid agreements.

For example, the worst situation is that internet celebrities cannot use their trademark built by themselves even though it is known as their name by millions of fans all over the world.

Online stores of Li Ziqi on Taobao

Online stores of Li Ziqi Jingdong

Having in mind that Steve Jobs was once fired from Apple, the company he created, such people and companies should make sure that they own their own trademarks. As such, the trademark will stay with you.

Peggy Tong
HFG Law&Intellectual Property

News

CNIPA issues short notice on Achievements in 2021

On January 24th, the China National IP Administration (CNIPA) announced the results of the 2021 implementation of the reform of the mechanism for the examination and approval of trademark registration.

In 2021 CNIPA finished a total of **10.57 million substantive examinations** of trademark registration applications.

In addition, **170,000 trademark opposition examinations**, and a total of 383,000 various review and adjudication cases were heard and issued throughout the year.

A special remark in the report goes to bad faith applications. Last year, CNIPA cumulative cracked down on **482,000 applications** for trademark registration **in bad faith** with no intention to use.

More than 1,700 registered trademarks were declared invalid ex officio, and 1,111 trademark registration applications, that were likely to cause major adverse effects, were quickly rejected.

A big improvement also in the time management:

- ✔ the average examination period for trademark registration has been maintained at 4 months,
- ✔ the average examination period for trademark oppositions has been compressed to 11 months, and
- ✔ the average trial period for rejecting and reviewing complex cases has been compressed to 5.5 months and 9 months respectively.

While the examination of online requests for recording changes is kept within 24 days, renewals within 12 days, and assignments within 2 months, **four new circuit review courts have been established in Tianjin, Jinan, Chengdu and Yantai** to provide fast and accurate services.

After the application to the Madrid System has been made fully electronic in China, the online application rate for **Madrid trademark registration submitted by Chinese applicants has reached 97% in 2021**.

Read the official Chinese news here: http://sbj.cnipa.gov.cn

HFG Law&Intellectual Property

Food Law

Defects in writing food label can lead to a lawsuit

Nowadays, one of the most annoying people to food manufacturers, supermarket operators, market regulatory authorities and courts is the *"professional complainant"*. An eighteen years old professional complainant in Guangdong province raised over 800 complains and suits in one year. The local government departments and courts began to complain again and again, and in turn accuse the professional complainant of extortion.

The label defect is a sharp tool for professional complainants to raise a complaint or suit, since the label is printed by the manufacturer and there is no way for the manufacturer to deny such fact indeed, therefore the proof cost of label defect for the professional complaint is almost zero. Under such circumstances, the professional complainant normally sues for compensation based on the following provisions of Article 148 of the Food Safety Law.

Food Safety Law - Article 148

Where producers of the food fail to meet the food safety standards or traders that operate the food fail to meet the food safety standards, consumers may also, in addition to the compensation for losses, require producers or traders to make compensation equal to ten times the price or three times the losses; if the amount of the compensation is less than CNY1,000, it shall be subject to CNY1,000. However, it shall be excluded that labels and descriptions have defects that do not affect the food safety and will not mislead consumers.

The key to the success of professional complainant in suing claims lies in the identification of label defects. When identifying the label defect, it is relatively easy to determine whether it affects food safety, which can be judged according to the following provisions of Article 150 of the Food Safety Law. However, the difficult part is to determine the standards of *"label defect misleads consumers"* which is more like subjective understanding.

Food Safety Law - Article 150

"Food Safety" refers to food that is non-toxic and non-hazardous and that complies with the required nutrition standards and does not cause any acute, sub-acute and chronic harm to the human health.

On December 24, 2021, the order No. 49 of the State Administration of market supervision - Administrative Measures for Supervision and Inspection of Food Production and Operation (the *"Order No. 49"*) was published: it gives an official explanation on label defects, and is helpful to correctly understand label defects. We sort out the following for you to have common understanding of label defects.

Article37

To identify the defects of labels and instructions, we should comprehensively consider the correlation between the marked contents and food safety, the subjective fault of the parties, consumers' understanding of food safety and consumers' choice, etc. Under any of the following circumstances, it can be recognized as the defect of the label and instruction manual specified in paragraph 2 of Article 125 of the Food Safety Law:

(1) The font size, font and height of characters, symbols and numbers are not standardized, there are wrong words, multiple words, missing words and traditional characters, or the translation of foreign languages is inaccurate, and the font size and height of foreign languages are greater than that of Chinese.

Comment: actually, this article refers to the clerical error, which confirms that *"clerical error"* (like typos) can be recognized as a label defect. The phrase *"the translation of foreign languages is inaccurate"* mentioned in the article is our concern: what kind of foreign language translation can be called accurate? Generally, we believe that the English corresponding to the Chinese content in the official documents stipulating national standards can be regarded as an accurate foreign language translation.

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For example, the national standard corresponding to *"sugar"* is GB/T 317-2018 White Granulated Sugar, and the official English expression of *"sugar"* in this standard is white granulated sugar, but in fact, the label always marks *"sugar"* on the package instead of *"white granulated sugar"*, which is obviously wrong.

It is worth reminding that label making is not just a simple English translation into Chinese.

(2) The marking method and format of net content and specification are not standardized, or the storage conditions of food without special storage conditions are not marked in accordance with the regulations.

Comment: the marking method and format of net content and specification are strictly regulated in GB 7718. If it is not correctly marked as required, it will violate the standard. For food without the requirement of special storage conditions, it is still needed to mark the storage conditions, like normal temperature storage. The reason for indicating the storage conditions clearly is because storage conditions are closely related to shelf life. According Food Safety Law: *"food shelf life refers to the period during which food maintains its quality under the indicated storage conditions."* Therefore, if the food is not marked with storage conditions, the shelf life of the food cannot be defined.

(3) The common names or abbreviations used in food, food additives and ingredients are not standardized.

Comment: as we stated above, the specific name of *"sugar"* shall meet the corresponding standards – marked as *"white granulated sugar"*.

(4) The order, value and unit of the nutrient composition table and ingredient table are not standardized, or rounding off interval, *"0"* limit value and marking unit of nutrient composition table are not standardized.

Comment: nutrition tables are particularly prone to identification errors, such as numerical rounding intervals. For example, the rounding off interval of protein is 0.1 g, and 10 g protein should be expressed as 10.0 g. If the *"0"* boundary value of protein is ≤0.5g, it should be marked as 0g. The unit of energy is kilojoule, English kJ, which can't be miswritten as Kj, etc.

(5) For the ingredients that are proved to be not actually added, they are marked with *"not added"*, but the specific content is not marked according to the regulations.

Comment: this one is not easy to be understood. Firstly, the manufacturer must ensure that there are no ingredients added in the process of production or on-site preparation and sale in stores. Taking the *"no sucrose added"* as an example, the production process of the food and the on-site preparation and on-site sale process of the store should not add sucrose.

Meanwhile, there must be written evidence (ingredients record, on-site preparation and sale ingredient record, etc.) to prove that there is *"no sucrose added"*.

Moreover, it should be emphasized that the ingredients used in the upstream processing of the food are not added with sucrose, otherwise there will be a loophole, that is, the manufacturer does not directly add sucrose to the food, but actually its ingredient supplier adds sucrose to the ingredients: in such case, actually the food will be still regarded as *"sucrose added"*. In order to solve this issue, the manufacturer needs to strictly manage the suppliers in the actual operation process and also the sub-suppliers.

(6) Other circumstances identified by the State Administration of Market Supervision and Administration are minor, do not affect food safety, and do not deliberately mislead consumers.

Comment: this provision is an informative provision and regulate the circumstances that do not fall within the scope stated above, and if the circumstance is minor for sure, it shall be determined by the local law enforcement department.

Although the *"occupation area"* of food label is small, it directly conveys the food basic information to consumers. Therefore, manufacturers should strictly abide by national safety standards and the company's own corporate standards to make food labels to protect the rights and interests of consumers.

It should be reminded that professional complainants who waste public resources for their own self-interest will eventually be identified and punished by law if any of their behaviors is determined as extortion.

Leon Zheng
HFG Law&Intellectual Property

HFG News

New partners at HFG! Congratulations to...

We are very proud to announce that our colleagues Daniel de Prado Escudero and Reinout van Malenstein have been appointed as partners.

The long-term successful commitment with HFG and IP in China has called for such career recognition. They have demonstrated to be very strong, dedicated, hard workers and great minds, and we are happy that they will represent our firm around the world.

Here some words to know them better:

With great expertise in intellectual property rights, privacy, data protection and corporate affairs in China, **Daniel de Prado Escudero** advises companies on those fields in China.

Daniel is a member of the European Communities Trademark Association (ECTA) and member of the Inter-American Association of Intellectual Property (ASIPI), being also part of the Committee for Anti-Piracy affairs at ASIPI.

Daniel is well positioned to advise clients on intellectual property, corporate and contractual cases with a European/Chinese dimension. Daniel is fluent in Spanish, English and Italian, and has a basic understanding of Mandarin.

Reinout van Malenstein has more than 15 years of experience in IP and China. He advises companies across all aspects of intellectual property rights, data protection, and market entry in China. Reinout has successfully been leading IP actions and litigations from CNIPA to the courts, high courts and the Supreme Court. Having graduated from leading law schools in Europe and China, followed by extensive litigation experience in both jurisdictions, Reinout effectively helps his global clients establish a strong business strategy for China.

Reinout is IP expert for the European Commission, the secretary of MARQUES China team, and twice-elected National Vice-Chair of the IPR Working Group of the European Union Chamber of Commerce in China. Reinout is fluent in Chinese, Dutch, English and German.

Daniel will keep working as head of Spanish and LatAm Practice based in Rome and Madrid, and Reinout will head the APAC practice by spending his time between Shanghai, Sydney and Singapore.

Congratulations on this appointment, good luck and all the best to both of you!

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