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Topics in this issue

- 01 Automotive lighting patent infringement lawsuit ends in settlement between TYC, Hyundai, and Kia**
- 02 Local company prosecuted for selling counterfeit sneakers through influencers, illegally profiting over TWD80 million**
- 03 Local trademark dispute over well-known traditional-style shaved ice brand resolved**



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01 Automotive lighting patent infringement lawsuit ends in settlement between TYC, Hyundai, and Kia

On May 28, 2021, the South Korean automobile manufacturers, Hyundai Motor Company and Kia Corporation filed a patent infringement lawsuit in the California Court against TYC Brother Industrial Co., Ltd. (hereinafter “TYC”) and its U.S. subsidiary, Genera Corporation, alleging infringement upon their automotive lamp patents. After nearly four years of protracted litigation, TYC issued a significant announcement on April 29, 2025 that all parties have reached a settlement. Under the terms of the agreement, the parties have mutually agreed to waive any further claims or legal actions related to the case. Due to confidentiality provisions in the settlement agreement, further details will not be disclosed. (Released 2025.04.29)

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02 Local company prosecuted for selling counterfeit sneakers through influencers, illegally profiting over TWD80 million

Since 2021, the responsible person of Fansi Technology Co., Ltd. (transliteration of the company, 凡斯科技有限公司; hereinafter referred to as “Fansi”), SU Yi-Qun (“Su”) and his girlfriend, LIU Zhi-Jun (“Liu”) had taken advantage of their employee’s lack of knowledge and made them contact over a hundred of popular influencers to initiate and run group-buy sales of sneakers of well-known brands, such as, Nike, CONVERSE, adidas, and VANS. However, these sneakers were later found to be counterfeit and involved illicit profits over TWD80 million, for which Taipei District Prosecutors Office prosecuted both Su and Liu on charges of trademark infringement and obtaining property by fraud.

The Taipei District Prosecutors Office directed the Second Special Police Corps, Criminal Investigation Brigade to conduct a search on the premises of Fansi and seized a total of 3789 pairs of sneakers, among which 3553 pairs were confirmed to be counterfeit, with only a small number of them being genuine. Su and Liu acquired these sneakers from unknown source in China and then used their unsuspecting employees to contact influencers on the Facebook and Instagram in the names of Fansi and another livestream influencer, TongMeng (@tm.teacher), falsely claiming that Fansi sold genuine branded sneakers and seeking cooperation with them to initiate group-buy event. Misled by the false pretense, these influencers mistakenly provided their assistance in initiating the group-buy event to attract consumer purchases. This scheme was unraveled after buyers noticed irregularities of sneakers and reported the matter to the police.

According to the prosecutor’s investigation, there were 401 victims reporting this matter to the police. Su and Liu leveraged these influencers’ social media influence, causing the scale of damages to rapidly expand within just a few months and leading to significant harm to the involved trademark owners and economy. Also, the illicit proceeds generated from sale of counterfeit sneakers and athletic shoes amounted to over TWD80.68 million from July 2021 through April 26, 2022. Su and Liu are prosecuted for Trademark Act violation and obtaining property by fraud. (Released 2025.04.22)

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E250418Y2

03 Local trademark dispute over well-known traditional-style shaved ice brand resolved

The well-known Tainan shaved ice brand and store, “Ba Bao Bin Yuan Zai Hui” (Transliteration of the Chinese store name and brand name, “八寶彬圓仔惠”, whose signature product is the traditional eight-treasure ice and glutinous rice balls) has been undergoing a trademark dispute between its two branch stores, the Jinhua branch and the Guohua branch, and the dispute has temporarily come to an end. The Jinhua branch, established by the brand founder, LU Chen-Hui (“Lu”), is currently run by Lu’s daughter, HUANG Yun-Ti (“Huang”), while the Guohua branch, which has previously earned MICHELIN’s Bib Gourmand recommendation, is operated by Lu’s sister-in-law, ZHANG Xiu-Mei (“Zhang”). Zhang filed a trademark lawsuit against Huang due to a trademark dispute. In the criminal proceedings of this case, the Intellectual Property and Commercial Court dismissed Tainan District Prosecutors Office’s appeal, ruling Huang’s non-infringement upon Zhang’s trademark rights.

The trademark dispute between Huang and Zhang centered around the well-known shaved ice brand name, “Ba Bao Bin Yuan Zai Hui”, whose corresponding Chinese character mark, “八寶彬圓仔惠” (hereinafter referred to as the “Mark in dispute”) was owned by both Huang and Zhang in two separate registrations under separate classes in spite of the two registrations being for the identical appearance and name. The trademark battle traces back to 2002 when Lu transferred the Mark in dispute to Zhang, with the Mark in dispute registered under Class 43 covering restaurant and dining services (Trademark A). However, in 2018, Huang successfully and separately registered the Mark in dispute under Class 29 covering food items, such as, tofu pudding, grass jelly, sweet peanut soup and also under Class 30 covering the food items including ice products and eight-treasure shaved ice, etc. (Trademark B). In the same year, Huang completed registration of her business under the Chinese name “撒豆成冰剉冰店” but her storefront continued to prominently display the brand name “Ba Bao Bin Yuan Zai Hui (“八寶彬圓仔惠”).

Zhang stated that due to their family relationship, in 2018, she granted a free license to Huang to use Trademark A at the Jinhua branch for operating a shaved ice store. However, she later sent a legal notice letter to terminate the license on July 1, 2021. After that, Zhang accused Huang of continued use of Trademark A on store signage, online platforms, and food delivery services, thereby infringing her rights to Trademark A registered under Class 43. For defense, Huang claimed that no formal license agreement had been signed between them, and she registered Trademark B under Class 29 and Class 30 upon Zhang’s prior consent with a coexistence agreement signed by Zhang. Therefore, Huang maintained that she never infringed upon Zhang’s trademark rights.

The prosecutor held that Huang’s act of providing shaved ice products through food delivery platforms, such as Uber Eats and Foodpanda fell within the scope of “restaurant services” under Class 43 and exceeded the designated use of Trademark B, thereby constituting cross-class use. However, the court ruled that the products sold by Huang, regardless of whether they are delivered or not, are prepared and delivered only after an order is placed, which does not involve the designated restaurant services of Zhang’s Trademark A. Also, the court believed that with the boundaries in the food and beverage industry getting blurred, subjective criminal intent and the legitimate scope of registration should still be sustained and determined first before imposing punishment. In this case, as the Tainan District Prosecutors Office failed to prove Huang’s intent for infringement, the court upheld the original judgment and ruled that no further appeal should be taken. (Released 2025.04.18)

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