




Another victory for Jägermeister in removing the infringing trademark "野格哈古雷斯" (pronounced as YE GE HA GU LE SI in Chinese) from the market

The Beijing High Court upheld the judgement of the Beijing IP Court, which recognised "Jägermeister" as a well-known trademark in Chinese and awarded 10 million RMB in damages to the Jägermeister trademark owner.

Mast-Jägermeister SE (MJSE), founded in Germany in 1878, whose best-known product is the herbal premium liqueur Jägermeister, which has been available in China since 2003. MJSE owns, among other things, the word and figurative marks "野格"

(Jägermeister in Chinese), "JÄGERMEISTER"、 "Jägermeister"、 、 
and "  " .

MJSE filed trademark infringement and unfair competition lawsuit in May, 2021 to Beijing IP Court against the defendants Qingdao St. Laura Spirit Co., Ltd. (Qingdao St. Laura), Chang Hongsheng and Anhui Puyuan Trading Co., Ltd. (Anhui Puyuan) for using similar trademarks “野格哈古雷斯” (pronounced as YE GE HA GU LE SI in Chinese) etc., and trade dress etc., infringing upon the trademarks “野格” (Jägermeister in Chinese),  etc. and the Jägermeister trade dress etc. owned by MJSE. The Beijing IP Court issued judgement (2021) Beijing 73 First Instance No. 468 in n November, 2022, recognizing “野格” (Jägermeister in Chinese) as a well-known trademark in China, awarding MJSE 5 Million RMB in compensatory damages and 5 Million RMB Yuan in punitive damages and ordering the defendants to cease the trademark infringement and unfair competition acts. The defendants filed appeals to the Beijing High Court.



Jägermeister Liqueur of MJSE



One of the Infringing Liqueur in Dispute



Infringing Liqueur in Dispute Offered for Sales on the Website of Qingdao St. Laura

MJSE was also granted justice by the Beijing High Court. The Beijing High Court has fully rejected the appeals of the defendants (Qingdao St. Laura, Chang Hongsheng and Anhui Puyuan Trading Co., Ltd.) and has upheld the judgment from the first instance. The judgment of the Beijing High Court recognising the trademark 野格 as a well-known trademark and sentencing the defendants as follows is now final:

1. Stop the trademark infringement acts, in other words, stop using the trademarks such as 野格哈古雷斯, YEGE, YEGO HUNTER, Stag Head Logo, 野格狩猎者 and 野格守猎者 which are similar to the trademarks “野格” (Jägermeister in Chinese),



owned by MJSE.

2. Stop the unfair competition acts, in other words, stop using the false representations, the similar trade dress , the company name Germany Yege Sheng Lu Group Co., Ltd. (德国野格圣鹿集团股份有限公司) etc.;
3. Qingdao St. Laura shall publish public apologies on China IP Newspaper and Qingdao Evening Newspaper. Chang Hongsheng shall publish public apologies on Qinghuangdao Evening Newspaper. Anhui Puyuan shall publish public apologies on its online shop. The costs of publishing the public apologies shall be paid by the defendants.
4. Qingdao St. Laura shall pay damages of RMB 10 million (RMB 5 million in compensatory damages and RMB 5 million in punitive damages) to MJSE. Chang Hongsheng shall pay 360,000 RMB out of the 10 million RMB to MJSE. Anhui Puyuan shall pay 100,000 RMB in damages to Mast-Jägermeister SE.

Nils Langemann, Director Intellectual Property & Risk Management of Mast-Jägermeister SE states that “the judgements of the Beijing IP Court and the Beijing High Court in favour of Mast-Jägermeister SE are not only a milestone for our company, but also an encouraging signal for all brand owners struggling with counterfeiting and trademark infringement. These judgments underline the unwavering determination of the Chinese courts and authorities to protect intellectual property.

We thank the Chinese courts and authorities for defending these important rights, as well as our business partners and consumers for expressing their unwavering confidence in Mast-Jägermeister SE brands and their support in the fight against counterfeiters and infringers.”

Beijing IP Court held a news conference on December 14, 2023, offering briefings on typical cases on combating bad faith trademark registration and use (<https://www.chinacourt.org/chat/chat/2023/12/id/53186.shtml>). The Jägermeister v.s . 野格哈古雷斯 (Ye Ge Ha Gu Lei Si) litigation has been listed by the Beijing IP Court as one of the Top 10 Typical Cases for the following features:

1. Multifaceted infringement acts causing more harms to the famous Jägermeister brand. The Jägermeister v.s . 野格哈古雷斯 (Ye Ge Ha Gu Lei Si) case involves registration and use of trademarks similar to the Jägermeister trademark, copying of the Jägermeister trade dress, tie-in sales of the infringing products with the genuine Jägermeister liqueur, and use of misleading slogans etc..
2. The court awarded punitive damages to better protect rights of the famous trademark and the interest of the consumers and foster fair competition.

<https://www.chinacourt.org/chat/chat/2023/12/id/53186.shtml>

中国法院网上直播

12月14日10时，北京知识产权法院召开“规制商标恶意注册典型案例暨专项审判工作情况”通报会

【周丽婷】：

案例十：侵权人从商标到产品包装、宣传语、销售方式等各个方面，针对权利人的在先知名品牌进行“全方位”摹仿，且存在“真假混淆”的行为，侵权人攀附权利人商誉的主观恶意图明显，侵权后果严重，应当适用惩罚性赔偿。

【裁判要旨】

“品牌效应”具有综合性、复杂性，其不单蕴藏在单一商标中，企业生产经营的各个环节均可以成为品牌商誉的载体。因此，不同于仅针对单一商标的侵权行为，“全方位”品牌摹仿对品牌形象和利益的打击更大。其具体行为模式可能包括：注册和使用与权利人商标相近似的商标、抄袭包装装潢、将“正品”与“仿品”混淆销售、使用引人误解的宣传语等。对于此类针对在先知名品牌进行“全方位”摹仿的严重侵权行为，应当适用惩罚性赔偿，不仅有利于维护权利人的合法权益和广大消费者权益，更有助于营造诚信有序的市场竞争秩序。

【案情简介】

某利口酒公司系“野格”等系列商标的商标权人，相关商标核定使用在第33类酒等商品上。该公司主张某酒业公司未经许可将其与商标相近似的“野格哈古雷斯”“v808”“野格狩猎者”等标识使用在“利口酒、啤酒、功能饮料”等商品上，还抄袭其产品包装、装潢，使用容易引人误解的宣传语，构成对其商标权的侵害及不正当竞争行为，应当承担停止侵权、消除影响、赔偿损失的法律后果。

北京知识产权法院一审经审理认为，某利口酒公司的“野格”系列商标经过长期的宣传和推广，为我国相关公众所熟知，已构成“利口酒”商品上的知名商标。某酒业公司未经许可将与某利口酒公司商标相近似“v808”“野格狩猎者”等标识使用在“利口酒、啤酒、功能饮料”等商品上，且仿冒某利口酒公司同类产品的包装装潢，使用容易引人误解的宣传语，还将侵权产品与某利口酒公司同类产品混合销售，上述行为侵害了某利口酒公司的注册商标专用权，同时构成不正当竞争。并且，在某利口酒公司多次发布维权声明并发送警告函后，某酒业公司仍继续实施侵权行为，具有明显的侵权故意。根据上述事实，对于某酒业公司的行为应当适用惩罚性赔偿。综上，一审判决某酒业公司停止侵权并消除影响，赔偿某利口酒公司经济损失1000万元。一审判决作出后，某酒业公司不服提起上诉，北京市高级人民法院判决驳回上诉，维持原判。