

LEGAL/PRIVACY

## Moncler awarded \$448K under China's new Trademark Law

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*Image from Moncler's fall/winter 2015 campaign*

By STAFF REPORTS

French outerwear label Moncler has been awarded approximately \$448,000 in damages in relation to an intellectual property trademark infringement case.

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Moncler's case went in front of the Intellectual Property Court in Beijing after the outerwear label accused Beijing Nuoyakate Gourmet Co., Ltd., commonly known as Nuoyakate, of producing counterfeits of its merchandise. According to Moncler, its court victory may be the first judgement under China's new Trademark Law to grant "maximum statutory damages" in cases of counterfeiting.

### Safeguarding quality

In 2013, Moncler found that Nuoyakate was manufacturing and selling down jackets with a counterfeit version of its patch and logos. Also, Moncler discovered that Nuoyakate had made attempts to register several fraudulent trademarks and domain names in China and other markets.

Moncler sued Nuoyakate in December 2014 in the newly established Intellectual Property Court of Beijing. The court sided with Moncler, finding that Nuoyakate had committed constituted trademark infringement and violated the outerwear label's intellectual property rights.

Working with local authorities and law enforcement agencies around the world, Moncler has actively sought to seize and destroy counterfeit merchandise and those who illegal produce such items. In 2014, Moncler investigated more than 1,450 cases and seized more than 450,000 items around the world.



*Moncler's Maya down jacket was subjected to counterfeiting*

Moncler's efforts also extend to digital, with the label being responsible for the removal of more than 74,000 auctions and shuttering more than 1,800 Web sites selling knock-offs. This feat was achieved through comprehensive online monitoring systems.

Similarly, last month, British apparel and accessories brand Belstaff won a lawsuit that resulted in the closure of more than 650 counterfeit Web sites.

Heard by a United States civil court, the judges ordered offending counterfeiters to pay more than \$42 million in damages and turn over domain names to Belstaff. While this was only the most recent victory in the ongoing battle against counterfeiting, Belstaff's strategy to combat the issue through digital protection tactics will offer an effective solution for both luxury and mass brands facing a similar predicament ([see story](#)).

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