

LEGAL

## The bane of Burberry

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*Burberry's preliminary injunction in an ongoing case on trademark infringement in China is good news for luxury brands operating in the country. Image credit: Shutterstock*

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Burberry is riding high. The British brand this week showed its [fall 2021 menswear collection at London Fashion Week](#) after being granted a preliminary injunction against Xinboli Trading (Shanghai) Co., Ltd, the owner of Chinese brand Baneberry.

In an unusual move, the court in the eastern Chinese city of Suzhou accelerated this injunction, even though the trial is still underway.

The court said that since both companies are selling through similar channels, Baneberry, which now owns at least 40 physical stores, is lowering Burberry's market share and "weakening the distinctiveness and recognizability of its well-known trademark."

The Chinese company has registered trademarks for a logo similar to Burberry's and the associated font. It also makes use of check patterns, which is a widely known staple of [Burberry's design heritage](#).



The court found that Xinboli had likely infringed when Baneberry declared that it "originated in Jemyn Street, England" and marketed its "British lattice" pattern. Image credit: Weibo

Jing Take: The fact that an interim ruling has already been announced is a rare, bold move by the Suzhou Intermediate People's Court for Trademark Infringement one that sends out the message that the country is attempting to clamp down on counterfeits.

Given China's nebulous reputation when it comes to fake goods and trademarks, this is precisely what the luxury fashion industry needs to see.

Earlier in the year, Shanghai Huangpu District Court ordered Chinese sportswear companies New Barlun Co. Ltd and Shanghai Shiyi Trade Co. Ltd to pay damages of **\$3.85 million to New Balance**.

Last May, Supreme finally secured its trademark in China after a **lengthy legal battle** another high-profile win for a foreign company operating in China.

One can surmise from this action that Burberry is on track for a victory, which would further demonstrate China's commitment to creating a sophisticated IP system that matches global standards. And not soon enough.

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