

## **SHEN Xianlei**

### **Partner**



### **Areas of Practice**

Mr Shen graduated from Hefei University of Technology, majoring in mechanical engineering. Then he received an LLM in Intellectual Property Law at East China University of Political Science and Law. Mr Shen has been in practice for more than 13 years. He joined Lifang & Partners as a partner in 2018.

Mr Shen mainly practices Intellectual Property Law. He has handled many IP lawsuits including infringement litigations and IP contract disputes. A number of his cases have been included in the Top 10 Cases of Shanghai, the Top 10 Cases of Zhejiang Province, and the QBPC Top 10 Annual Cases.

### **Notable Cases**

- Represented a trademark licensor in a series of lawsuits against a licensee, which included a suit filed with Suzhou Intermediate People's Court in which RMB 3 million in damages were awarded.
- Represented a client to fight infringement on an online shopping platform. In this case, Mr Shen filed two suits with Hangzhou Intermediate People's Court against a gang of infringers, claiming RMB 5 million in damages in each case. RMB 3.2 million in damages was awarded in one case.
- Represented a client to file a series of lawsuits against an ecommerce platform, which resulted in an extrajudicial settlement. The platform operator removed dozens of infringing stores from its platform and offered to actively cooperate with the client against the infringers during the proceedings.
- Represented a client to file a civil action for damages against a number of defendants in relation to a trademark-related criminal case. Judgment was granted in favour of the client and RMB 800,000 in damages has been recovered.
- Represented a client to file an action at the Pudong New District People's Court, Shanghai, against an emerging network platform on which articles defaming the client



were released. In its judgment, the Court held that the acts of the platform constitute business defamation and ordered the platform to publish a statement regarding their impact on the plaintiff's sales and to compensate the plaintiff for losses incurred.

- Represented a client in a contract dispute over a trademark transfer. The client not only cleared the obstacles maliciously placed by the counterparty to impede the transfer but also received compensation for the counterparty's malicious breach of contract. It is extremely difficult to seek compensation in cases such as this. Through Mr Shen's efforts, the client eventually received RMB 5.2 million in damages.
- Represented a famous global brand to file a lawsuit against a TV shopping platform for the sale of infringing products. The Court ordered the defendant to stop their infringement and to pay RMB 3 million in damages. This case was named a Top 10 IP Case of Zhejiang Province.
- Represented a famous domestic food company to file a trademark infringement and unfair competition suit against a defendant who used a corporate name identical to the client's trademark. The Court ordered the defendant to cease infringement and unfair competition, to change their corporate name and to pay over RMB 1.13 million in damages. This case was selected as a Top 10 IP Case of Shanghai.
- Represented a famous transnational company to file an unfair competition suit which arose from the infringement of design unique to the company's well-known products. The court ruled that those design was unique to the company's products, and that the defendant must stop their unfair competition and compensate the company for its losses. Mr Shen and his team collected 90% of the evidence to prove the defendant's acts constituted unfair competition. This case was named a Top 10 QBPC Annual Case.
- Represented a world-famous skincare brand in trademark infringement disputes involving unauthorized skincare concession counters. The court accepted our request to stop the infringement, ordered the defendant to pay over RMB 800,000 in damages, and pierced the corporate veil by deciding that the defendant's shareholders should bear joint liability with the defendant. The client had previously consulted other law firms, but they all expressed negative sentiments about this case.



- Represented a famous skincare brand to file a counter-claim against the other party's non-infringement of trademark litigation. This case ended with a settlement and the client receiving RMB 300,000 in damages.
- Represented a world-famous luxury brand to file a lawsuit against a trademark squatter. By means of seizing and auctioning the defendant's trademark during enforcement, the defendant was forced to comply with the judgment in favour of the client.
- Filed a request for the invalidation of a domestic company's patent. The request was successful and cleared the way for our client to sell products previously covered by the patent.
- Represented an overseas client to file an unfair competition lawsuit against the franchisees of a domestic clothing brand in relation to infringement of their architectural copyright and overall business image. This case ended with a settlement after a number of hearings. The client achieved its business objective.
- Represented an overseas client in an arbitration arising from a contractual dispute. Although the arbitration institution agreed by the two sides was not located in China, preliminary preservation was handled by a Chinese court through the efforts of Mr Shen. Because we obtained property preservation orders, the other party was forced to accept our settlement proposal.
- Represented a client in a series of arbitrations arising from a dispute over a trademark transfer contract. Mr Shen and his team not only won all the arbitration cases, but also won the subsequent actions filed by the other party for non-enforcement and revocation of the decisions. During the enforcement proceedings, Mr Shen coordinated with the court and the trademark office to force the other party to transfer the trademark at issue. This was the first case of its kind in China. Since this series of arbitrations involved two arbitration institutions and three Intermediate People's Courts, they were more difficult and complicated than other cases, both procedurally and substantively.

## **Education**

- BEng, Hefei University of Technology
- LLM, Intellectual Property Law, East China University of Political Science and Law



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## **Qualifications**

- PRC Lawyer

## **Working Languages**

- Chinese
- English