



Moxuan Wang

Salaried Partner

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Profile

Attorney Moxuan Wang mainly engages in dispute resolution related to intellectual property, unfair competition and anti-monopoly, as well as general corporate legal matters. She has conducted in-depth research on consulting and litigation in the field of intellectual property, and provides legal services to well-known internet and high-tech enterprises including China International Capital Corporation (CICC), Alibaba, Tencent, Xiaomi, Sina, Youku, iQiyi, Haidilao, Kuaishou, Kingsoft, Gree, Zxxk, Yangtze River Pharmaceutical and others.

Attorney Moxuan Wang has a thorough grasp of the laws and regulations governing copyright, trademark and anti-unfair competition law. She has represented and participated in numerous copyright infringement disputes selected as courts' annual judicial cases, as well as highly influential unfair competition and anti-monopoly disputes in the industry. Meanwhile, she also boasts extensive practical experience in handling trademark infringement disputes and trademark administrative litigation such as trademark rejection review, trademark opposition review and trademark invalidation review.

Education background

Capital University of Economics and Business, Law School | Bachelor of Laws
Renmin University of China, Law School | Master of Laws

Areas of expertise

Intellectual property and competition dispute practice
Anti-monopoly dispute practice
Regular corporate intellectual property services and general legal matters

Membership

Deputy Secretary-General, Trademark Law Professional Committee of Beijing Lawyers Association
Deputy Secretary-General, Professional Guidance and Continuing Education Committee of Dongcheng District Lawyers Association of Beijing
Member, Intellectual Property Professional Committee of Dongcheng District Lawyers Association of Beijing

Served Clients/Service Performance

- Attorney Moxuan Wang represented Sichuan Haidilao Catering Co., Ltd. and Sichuan New Style Catering Management Group Co., Ltd. in an unfair competition dispute against Zhu Jinxiang and Zhejiang Taobao Network Co., Ltd.. After trial, the People's Court of Yuhang District, Hangzhou City, Zhejiang Province held that the acts of the defendant Zhu Jinxiang, who hoarded Haidilao Coins by controlling member accounts and profited from placing orders on behalf of others, constituted unfair competition, and ordered her to cease the infringing acts and compensate for economic losses of RMB 300,000. This case is the first judicial precedent publicly available for inquiry in the catering industry on cracking down on the online gray and black industry of order-placing on behalf of others.
- Attorney Moxuan Wang represented Guangxi Dongcheng Hotel Management Group Co., Ltd. in an administrative dispute over the authorization and affirmation of rights of the trademark "City Comfort Inn". In response to the disputes over the application of Paragraph 4 of Article 19 of the *Trademark Law* and the identification of trademark agencies, the court made a comprehensive finding by taking into account multiple factors such as the actual business status and the purpose of assignment and use after trial, and upheld the validity of the "City Comfort Inn" trademark. This case broke through the previous predicament in the application of law that mechanically relied on the business scope stated in the business license to identify a "trademark agency", and made an important contribution to the stability of the client's trademark rights.
- Attorney Moxuan Wang represented Guangzhou Hairui Pharmaceutical Co., Ltd. and Yangtze River Pharmaceutical Group Co., Ltd. in the first instance procedure of a dispute over monopolistic acts involving the abuse of dominant market position against Hefei Medical Engineering Pharmaceutical Co., Ltd., Hefei Enrute Pharmaceutical Co., Ltd. and Nanjing Haichen Pharmaceutical Co., Ltd.. After trial, the Intermediate People's Court of Nanjing City, Jiangsu Province held that the acts of the defendants Hefei Medical Engineering Pharmaceutical Co., Ltd. and Hefei Enrute Pharmaceutical Co., Ltd. constituted monopolistic infringement by abusing their dominant market position, and ordered the two defendants to cease the infringing acts and compensate the plaintiffs Guangzhou Hairui Pharmaceutical Co., Ltd. and Yangtze River Pharmaceutical Group

Co., Ltd. for economic losses of more than RMB 68 million. This case is the first anti-monopoly case in China's pharmaceutical industry.

- Attorney Moxuan Wang represented Lingbo Technology (Beijing) Co., Ltd. as the defendant in a dispute over the infringement of computer software copyright and trade secrets against Anmei Weike (Beijing) Internet Technology Co., Ltd.. She argued in defense from multiple perspectives including the confidentiality and commercial value, the essential elements of trade secrets. Ultimately, after review, the Supreme People's Court held that the claims of Anmei Weike were not tenable and dismissed all the plaintiff's claims. This case was selected as a **Typical Trade Secret Case of 2020** by the Supreme People's Court.
- Attorney Moxuan Wang represented Wenzhou Xunchi Digital Technology Co., Ltd. (360) in a copyright dispute against a natural person. She conducted in-depth analysis and adduced evidence on the copyright of folk song works. In the end, the court held that the adapted version of the folk song by the defendant was inconsistent with that of the plaintiff, and both parties had the right to independently adapt folk songs in the public domain, thus dismissing all the plaintiff's claims. This case was selected as a **Typical Intellectual Property Case of 2021** by the Higher People's Court of Tianjin Municipality.
- Attorney Moxuan Wang participated in-depth in the unfair competition dispute case where Beijing Weimeng Chuangke Network Technology Co., Ltd. (Sina Weibo) sued Super Star Rice Ball. After years of development, the Sina Weibo platform has built a huge user base. Without permission, Super Star Rice Ball used the slogan *Your Exclusive Star-Chasing Tool* in its Super Star Rice Ball App, which provides star-chasing social interaction and pan-entertainment services, set up a section for displaying Sina Weibo content, unauthorizedly crawled and displayed various types of data content from Sina Weibo, and pushed notifications of celebrities' Sina Weibo account logins, their entries into Sina Weibo's trending topics, and being mentioned (@) on Sina Weibo. Sina Weibo alleged that a large volume of data was involved in this case, and Super Star Rice Ball had allegedly realized the acts in question through technical means such as disguising as a user to log in, simulating user behavior to send requests to Sina Weibo's background server, and parsing data in accordance with browser rules. In 2021, the People's Court of Haidian District, Beijing Municipality rendered a first instance judgment on the unfair competition dispute case of Sina Weibo v. Super Star Rice Ball, ordering Super Star Rice Ball to immediately cease the alleged unfair competitive acts, publish a statement to eliminate the adverse effects on the homepage of

its official website, Sina Weibo account and App for 15 consecutive days, and compensate Sina Weibo for economic losses of RMB 10 million and reasonable expenses of more than RMB 200,000.

- Attorney Moxuan Wang participated in-depth in the copyright infringement dispute case where Youku Network Technology (Beijing) Co., Ltd. sued Baidu Netdisk over the TV drama *Eternal Love of Dream (Sansheng Sanshi Shili Taohua)*. Youku signed an *Authorization Letter* with Shanghai Juku Culture Communication Co., Ltd., the copyright owner of the TV drama *Eternal Love of Dream*, and legally holds the right of information network dissemination of the work. However, after the TV drama was broadcast, many registered users of Baidu Netdisk used the storage space and "sharing" function of Baidu Netdisk to push the download resources of *Eternal Love of Dream* to social platforms. Although Youku sent a *Notice Requesting the Removal of Infringing Works* to Baidu Netcom Science and Technology Co., Ltd., Baidu Netcom failed to take any simple retrieval and blocking measures, and infringing video downloads and online playback continued to occur frequently on Baidu Netdisk. Ultimately, after trial, the People's Court of Haidian District, Beijing Municipality held that Baidu's acts constituted infringement. This case was selected as one of the **50 Typical Intellectual Property Cases of Chinese Courts in 2020** by the Supreme People's Court and a **Typical Intellectual Property Case of 2020** by the People's Court of Haidian District, Beijing Municipality, as well as other annual judicial cases of people's courts.

Publications

- On the Legal Regulation of New Types of Unfair Competition Acts in the Internet Sphere
- Having "Trademark Agency" in Its Business Scope Once: Does It Definitely Qualify as a Trademark Agency? And Does It Render Its Trademarks Definitely Invalid? — A Brief Analysis of the Application of Paragraph 4 of Article 19 of the Trademark Law in the Trademark Invalidation Declaration Procedure