

Under Armour Defeats Uncle Martian at China's Supreme People's Court in Trademark Battle

Article By:

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In a [decision dated July 17, 2020](#), China's [Supreme People's Court](#) ruled for [Under Armour, Inc.](#) against Fujian Tingfeilong Sporting Goods Co., Ltd. (?????????????) for trademark infringement and unfair competition. Under Armour was founded in 1996 and as of 2018 had almost \$5 billion USD in annual revenue selling sportswear, such as clothing and running shoes. In contrast, Tingfeilong launched the brand "Uncle Martian" in 2016 in China also in the sportswear field. As can be seen below, the Uncle Martian logo is extremely similar to the Under Armour logo. Unsurprisingly, Under Armour immediately sued Tingfeilong for trademark infringement and unfair competition and, also unsurprisingly, won. The Supreme People's Court has just affirmed that ruling.



Under Armour has multiple registered Chinese trademarks, which served as the basis for the claim of infringement, including No. 12165772 "Under Armour" in class 28; No. 3463214 "UNDERARMOUR" in class 25; No. 7329995 "UNDERARMOUR" also class 25; No. G996450 "UNDERARMOUR" class 25; No. G996450 "UNDERARMOUR" class 28, Trademark No. 3479748 for the logo in class 25, and a Chinese-language equivalent of "Under Armour."

商标详情

商标流程



商品/服务

短裤; 服装; 衬衫; 帽; 衬裤; T恤衫; 内衣; 乳罩; 头带(服装); 袖口; 袜; [查看详细信息](#)

类似群

2501;2508;2509;

申请/注册号 3479748

申请日期

2003年03月10日

国际分类

25

申请人名称 (中文) 安德阿谟有限公司

申请人名称 (英文) UNDER ARMOUR,INC.

申请人地址 (中文) 美国马里兰州21230巴尔的摩市赫尔街1020号

申请人地址 (英文) 1020 HULL STREET,BALTIMORE,MD 21230,UNITED STATES OF AMERICA

初审公告期号

958

注册公告期号

970

是否共有商标

否

初审公告日期

2005年01月07日

注册公告日期

2005年04月07日

商标类型

一般

专用权期限

2015年04月07日 至 2025年04月06日

商标形式

国际注册日期

后期指定日期

优先权日期

代理/办理机构

高露云(北京)知识产权代理有限公司

商标流程

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商标状态图标



LIVE/REGISTRATION/Issued and Active

注册

仅供参考, 不具有法律效力

打印

错误信息反馈

Under Armour's Registered Chinese Trademark No. 3479748 in class 25

The court of first instance held that Tingfeilong was the correct defendant as it had infringed as evidenced at least by the use of the logo on investment promotion advertisements and at a brand press conference, which connected the logo's use to Tingfeilong .



Uncle Martian Press Conference

This infringement constituted trademark infringement. Regarding trademark infringement, the brand press conference featuring the logo, the investment promotion advertisements featuring the logo, the logo used on the business premises, the logo used on brochures, shoes and a basketball having the logo displayed in a sample room, wristbands and t-shirts with the logo, etc. all identify the source of goods. After a comparison of the Uncle Martian logo with the registered marks to Under Armour, the Court of First Instance held “Tingfeilong’s claim that there is a difference in the design style and overall appearance between the logo and the trademark of Under Armour is not accepted due to insufficient factual and legal basis.” However, Tingfeilong’s use of the brand name “Uncle Martian” was not infringing.

The Court of First instance also ruled there was unfair competition because Tingfeilong used “Under Armour (China) Co., Ltd.” on its business card despite having no relationship with Under Armour.

Accordingly, the Court of First Instance issued an injunction, required destruction of infringing products, payment of damages of 2 million RMB (~\$286 thousand USD), and publish a public apology.

On appeal, the Supreme People’s Court upheld the verdict stating “Tingfeilong’s appeal request cannot be established and should be rejected; the first-instance judgment has clearly established the facts and the applicable law is correct and should be maintained.”

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