

Suspended Prison Sentences, Fine and Civil Compensation for Infringement of Chinese Trademark ‘STIHL’

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According to an [report](#) in [????](#), an unnamed Ningbo company infringed [Andreas Stihl AG & Co. KG's](#) Chinese trademark for ‘STIHL’ by manufacturing over 19,000 chain saws worth 225,000 RMB (about \$34,000 USD) bearing the STIHL trademark without authorization. On April 9, 2021, the Yuyao Court, where the case was heard, sentenced the Ningbo company to a 120,000 RMB fine and imposed additional 80,000 RMB to 120,000 RMB fines on three defendants. The three defendants were also sentenced from two to four years each in prison (suspended). Finally, the Court also ordered 500,000 RMB compensation be paid to Stihl.



Chinese Trademark No. G573715 in Class 8.

The defendants included, XX A, was the actual controller of the company, XX B was the legal representative of the company and was responsible for sales, and XX C was responsible for production.

In 2014, the Ningbo company involved in this case, which was run by a defendant, was previously given an administrative punishment for counterfeiting the “STIHL” trademark. Therefore, Stihl requested that the infringing company immediately stop the infringement and compensate Stihl. Under the guidance of the prosecutor’s office, Stihl appended a civil complaint to the criminal proceedings (this is believed to be Zhejiang Province’s first ruling on appended civil complaints).

The defendants pleaded guilty and the court pronounced the judgment in court: the Ningbo company

was fined 120,000 RMB; sentenced defendant XX A to imprisonment of three years with a four-year suspension of execution and imposed a fine of 120,000 yuan; sentenced defendant XX B to fixed-term imprisonment of two years with a three-year suspension of execution and imposed a fine of 80,000 yuan; and sentenced defendant XX C to imprisonment of two years with a three-year suspension of execution and imposed a fine of 80,000 yuan. In addition, the Ningbo company must pay civil compensation of 500,000 RMB to Stihl.

Apparently the defendants were happy with the suspended sentences as the report quotes one of the defendants thanking the prosecutor repeatedly and stating “Thank you to the prosecutor’s office for giving us a vivid lesson; this can be regarded as a blessing in disguise! “

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National Law Review, Volumess XI, Number 102

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